
DIVISION 8. OVERLAY ZONES

SECTIONS:

2.8.1	HILLSIDE DEVELOPMENT ZONE (HDZ)
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2.8.1 HILLSIDE DEVELOPMENT ZONE (HDZ).

2.8.1.1 Introduction. Tucson is surrounded by mountains. These mountainous areas exhibit steep slopes which may contain unstable rock and soils. Development on potentially unstable soils or rock can be hazardous to life and property. Development in these areas should utilize construction methods which ensure slope stabilization and minimize soil erosion.

Tucson's mountains and foothills are valuable scenic resources which should be preserved. Dominant peaks and ridges should be protected in order to preserve the city's unique visual setting, promote its economic well-being, and encourage tourism. Regulating the intensity of development according to the natural characteristics of hillside terrain, such as degree of slope, significant vegetation and landforms, and soil stability and existing drainage patterns, will allow for development in hillside areas while minimizing the physical impacts of such development.

2.8.1.2 Purpose. This zone provides for the reasonable use of hillside areas and related lands while protecting the public health, safety, and general welfare by:

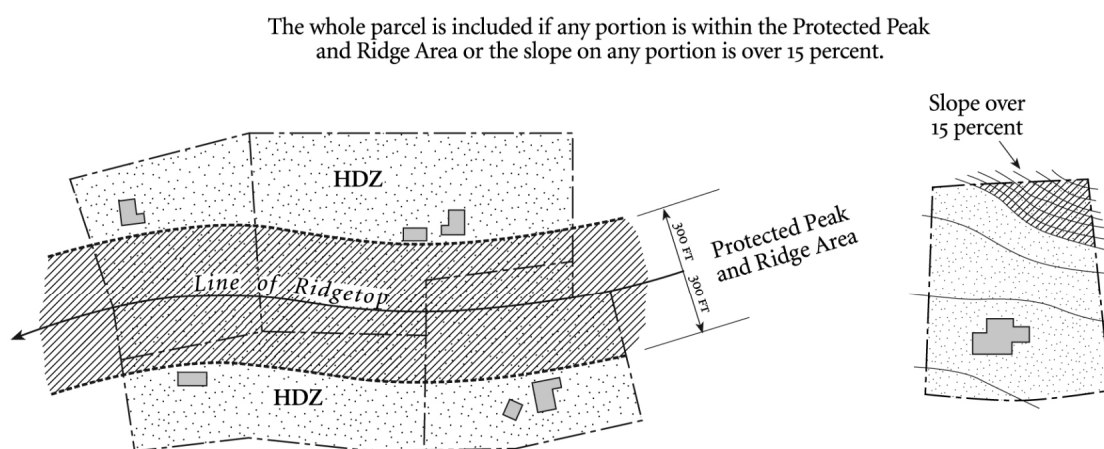
- A. Determining whether certain types of soil conditions exist, such as loose or easily eroded soils or rocky soils which may require blasting, and utilizing appropriate engineering technology to result in stable slopes during and subsequent to development.
- B. Reducing water runoff, soil erosion, and rock slides by minimizing grading and by requiring revegetation.
- C. Permitting intensity of development compatible with the natural characteristics of hillside terrain, such as degree of slope, significant landforms, soil suitability, and existing drainage patterns.
- D. Preserving the scenic quality of the desert and mountain environment through the retention of dominant peaks and ridges in their natural states.
- E. Reducing the physical impact of hillside development by encouraging innovative site and architectural design, minimizing grading, and requiring restoration of graded areas.
- F. Providing safe and convenient vehicular access by encouraging development on the less steeply sloped terrain.

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- G. Promoting cost-efficient public services by encouraging development on the less steeply sloped terrain, thereby minimizing service extensions and utility costs and maximizing access for all necessary life safety services.

2.8.1.3 Applicability. The provisions of the Hillside Development Zone (HDZ) apply to development in the areas listed below. (See Illustration 2.8.1.3.)

- A. *Protected Peak and Ridge Areas.* Any lot or parcel containing protected peak and ridge areas designated for protection by the Mayor and Council, as shown on the City Zoning Maps.
- B. *Slope Areas of Fifteen (15) Percent or Greater.* Any lot or parcel containing slopes of fifteen (15) percent or greater, as shown on the HDZ Maps. Methods of analyzing slope are given in Development Standard 9-10.0. (Ord. No. 9967, §2, 7/1/04)



2.8.1.3 Applicability of Hillside Development Zone (HDZ)

- C. *Approved Subdivisions.* Any recorded subdivision plat approved in compliance with the Pima County HDZ or the City of Tucson HDZ may be developed in compliance with the conditions and stipulations as approved. If the plat is resubdivided, it must comply with all provisions of the HDZ currently in effect.
- D. *Exceptions.*
1. The HDZ regulations do not apply to any lot or parcel located within the city limits south of the Rillito River/Tanque Verde, east of the Silverbell Road-Congress Street-Grande Avenue-Mission Road alignment, west of Harrison Road, and north of the Los Reales-Interstate 10 alignment, unless otherwise identified on the HDZ maps.
 2. The HDZ regulations do not apply to vacant residentially-zoned lots or parcels, legally created as of September 15, 1980, and containing an area of sixteen thousand (16,000) square feet or less, unless, after July 19, 1989, the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.

3. The Hillside Development Zone (HDZ) regulations do not apply to lots or parcels annexed from Pima County which were exempt from the Pima County HDZ at the time of annexation, unless the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.
 4. The density restrictions of Sec. 2.8.1.6 do not apply to any lot or parcel which was zoned R-1, R-2, R-3, or R-4 and located within the city limits prior to December 10, 1979, unless the lot or parcel is divided into two (2) or more parcels or used for other than one (1) single-family dwelling.
 5. The Hillside Development Zone (HDZ) regulations do not apply in the following situations if the structure or vehicular circulation area existed prior to September 15, 1980.
 - a. Any addition to a structure which does not exceed one thousand (1,000) square feet or twenty-five (25) percent of the enclosed area of the structure, whichever is greater. Additions are to be cumulative after September 15, 1980.
 - b. Any alteration of, or addition to, a vehicular circulation area which does not exceed one thousand (1,000) square feet or twenty-five (25) percent of the existing vehicular circulation area, whichever is greater. Additions are to be cumulative after September 15, 1980.
 - c. Any paving of an existing vehicular circulation area.
- E. *Designation, amendment, or change of boundaries for a Hillside Development Zone, a Protected Peak or Ridge.*
1. *Designation.* The Mayor and Council may designate new property as subject to this Hillside Development Zone or a new peak or ridge for protection by the establishment of a three hundred (300) foot setback. Consideration shall be in accordance with the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). The change to an existing designation, amendment to or change of the boundaries of an existing HDZ area shall be through the same process.
 2. *Criteria for Designation.* Peaks or ridges or new HDZ areas designated for protection must:
 - a. Have been designated by Pima County as a Hillside Development Zone or as a protected peak or ridge prior to annexation by the City; or
 - b. Contain significant slopes which should be protected; or
 - c. Be significant in relationship to the surrounding property; or
 - d. Be highly visible from lower elevations; or
 - e. Form a silhouette against the sky when viewed from a Scenic Route.

(Ord. No. 9967, §2, 7/1/04)

2.8.1.4 Permitted Uses. Any use permitted by the underlying zone is allowed.

2.8.1.5 Review Required. All subdivisions and all development on any lot or parcel identified on the Hillside Development Zone (HDZ) Maps as an HDZ lot or parcel must be reviewed and approved as specified in this Section.

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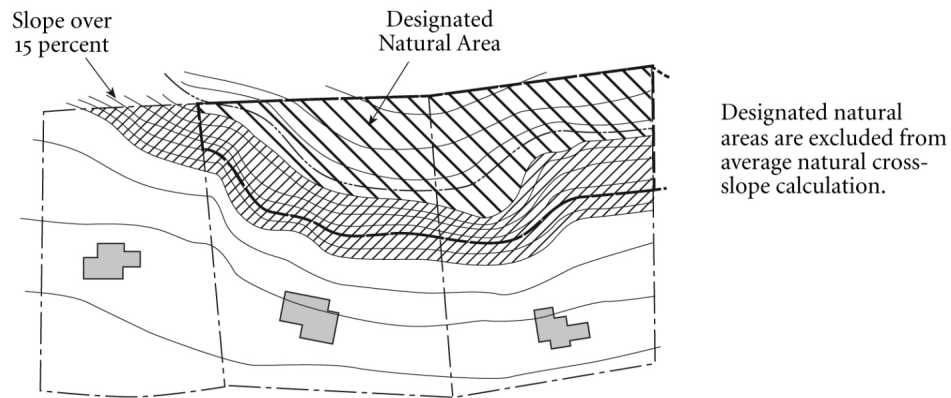
- A. *Subdivision.* Proposed subdivisions are required to comply with this Section and Development Standard 9-01.0. The subdivision plat will be reviewed in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. Hillside Development Zone (HDZ) documentation can be reviewed concurrently with the plat. The subdivision procedures are also provided in Development Standard 2-03.0.
- B. *Other Development.* Proposed development projects, other than subdivisions, require submittal of a plan complying with the requirements of this Section and Development Standard 9-01.0 for review in accordance with the DSD – Full Notice Procedure, Sec. 23A-50 and 23A-51.

(Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

2.8.1.6 Development Criteria. The following development criteria apply to lots and parcels that are affected by this zone. Any lot or parcel created must meet the slope/size requirements of Table 2.8.1-I except as provided below. All development is subject to a three hundred (300) foot setback from each protected peak or ridge as delineated on the City Zoning Maps.

A. *Single-Family Residential Development.*

1. *Existing Lot or Parcel Where No Land Division Occurs.* The average natural cross-slope (ACS) is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, and D of Table 2.8.1-I apply. If the minimum land area required for the lot or parcel, based on the ACS, is greater than the area of the lot or parcel, natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage. Such designated natural areas will be excluded from the ACS calculation but will be included in the land area for the lot or parcel. (See *Illustration 2.8.1.6.*)
2. *Existing Lot or Parcel Where Land Division Occurs.* The average natural cross-slope is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A and C of Table 2.8.1-I apply. Natural areas may be designated on the lot or parcel in accordance with Sec. 2.8.1.7 to reduce the ACS percentage. Such natural areas will be excluded from the ACS calculation but will be included in the land area for the lot or parcel. (See *Illustration 2.8.1.6.*)
 - a. If the land division requires a subdivision plat, all areas of fifteen (15) percent or greater slope within the lot or parcel, except within natural areas, are delineated. These sloped areas then determine the design of the development according to the following criteria.
 1. For any proposed lot within the parcel where the areas of fifteen (15) percent or greater slope are located outside the buildable area, the minimum lot size requirements of the underlying zone apply. The buildable area may be redefined to exclude areas of steeper slope in order to comply with this requirement. Grading may occur only within the buildable area and access to the buildable area. Grading for access may cross a delineated sloped area.
 2. For any proposed lot within the parcel where the buildable area contains areas of fifteen (15) percent or greater slope, the minimum size required for that lot is one (1) acre unless a greater size is required by the underlying zone. The amount of grading permitted is indicated in Column D of Table 2.8.1-I, based on the area of the lot, Column B.
 3. Yard setbacks for the applicable zone are applied to the entire parcel or to each lot within the parcel if the parcel is divided into lots.
 - b. If a subdivision plat is not submitted, the land area of each lot created must comply with Columns A, B, and D of Table 2.8.1-I.



2.8.1.6 Natural Areas in HDZ

B. Multifamily Residential Development.

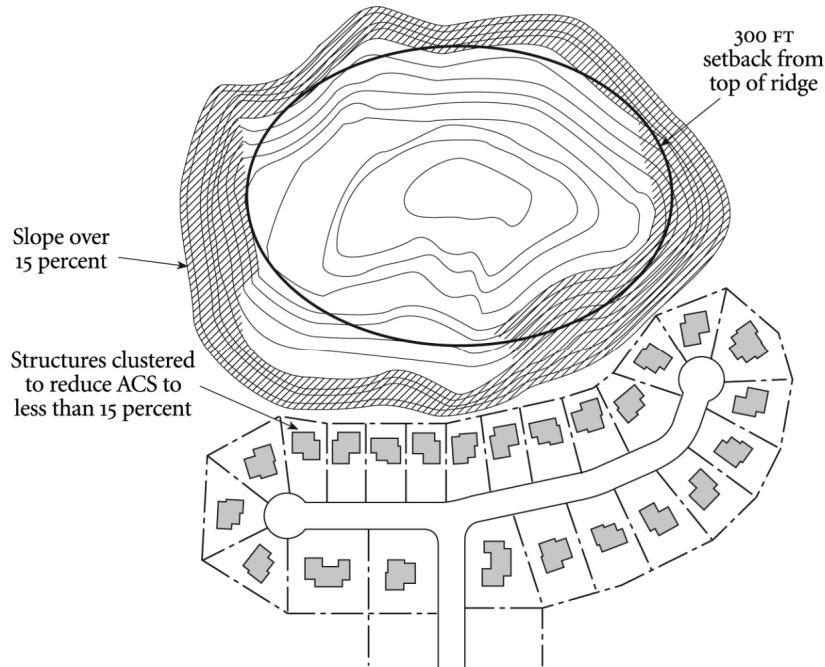
1. The ACS is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, C, and D of Table 2.8.1-I apply.
2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage. Such natural areas will be excluded from the ACS calculation but will be included for the density calculation. (See Illustration 2.8.1.6.)
 - a. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent and contains no areas of fifteen (15) percent or greater slope, one hundred (100) percent of that portion may be graded, subject to Development Standard 9-04.0.
 - b. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent but contains areas of fifteen (15) percent or greater slope, eighty (80) percent of that portion may be graded.
 - c. If the ACS of the remaining portion of the lot or parcel is fifteen (15) percent or greater, Columns B, C, and D of Table 2.8.1-I apply, based on the entire area of the lot or parcel.

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TABLE 2.8.1-I			
A	B	C	D
Average Natural Cross Slope (Percent)	Minimum Area* Acre	Density*	Maximum Grading (Percent)
Less Than 15	As Permitted by Underlying Zoning		
15.0-15.9	1.00	1.00	40.0
16.0-16.9	1.00	1.00	40.0
17.0-17.9	1.25	0.80	32.0
18.0-18.9	1.37	0.73	29.2
19.0-19.9	1.50	0.67	21.3
20.0-20.9	2.00	0.50	20.0
21.0-21.9	2.25	0.44	17.7
22.0-22.9	2.50	0.40	16.0
23.0-23.9	3.50	0.29	13.3
24.0-24.9	4.50	0.22	11.9
25.0-25.9	6.00	0.17	9.3
26.0-26.9	7.00	0.14	9.3
27.0-27.9	8.60	0.12	9.3
28.0-28.9	10.40	0.09	9.3
29.0-29.9	12.80	0.08	9.3
30.0-30.9	16.00	0.06	8.8
31.0-31.9	23.50	0.04	6.7
32.0-32.9	31.00	0.03	6.7
33.0 and Greater	36.00	0.027	4.0

*Or as permitted by underlying zoning, whichever is more restrictive.

- C. *Flexible Lot Development (FLD)*. The purpose of the FLD in the HDZ is to preserve the sloped areas while encouraging development on the flatter portions of a lot or parcel. An FLD must meet the requirements of Sec. 3.6.1, FLD, as well as the following criteria. (See *Illustration 2.8.1.6.C.*)
1. All structures must be located outside the three hundred (300) foot protected peak or ridge setback area, and the protected area must be preserved as a natural area as listed in Sec. 2.8.1.7.
 2. The FLD application may be used for either single-family or multifamily development. In order to apply the FLD, the Average Cross Slope (ACS) of the area to be developed must be less than fifteen (15) percent. This may require excluding steeper slopes as natural areas in order to reduce the ACS of the remaining portion. Such natural areas will be excluded from the ACS calculation but will be included for density calculation. Density is regulated by the underlying zone, based on the entire area.
 3. For property within the Hillside Development Zone (HDZ), sloped areas in excess of 15% with an area greater than or equal to 7,000 square feet shall be delineated and set aside as Natural Undisturbed Open Space and designated as common area.



2.8.1.6.C Flexible Lot Development

(Ord. No. 10636, §1, 2/24/09)

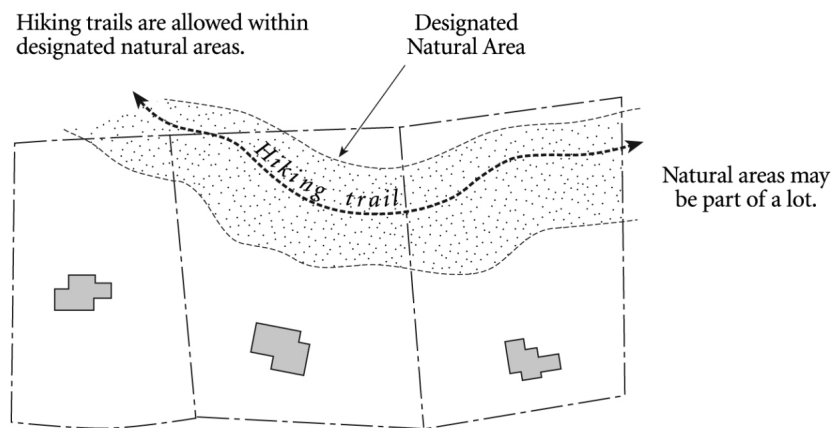
D. *Nonresidential Development.*

1. The ACS is calculated for the entire lot or parcel. If the ACS is fifteen (15) percent or greater, Columns A, B, and D of Table 2.8.1-I apply. Column C does not apply.
2. Natural areas may be designated on the lot or parcel, in accordance with Sec. 2.8.1.7, to reduce the ACS percentage.
 - a. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent and contains no areas of fifteen (15) percent or greater slope, one hundred (100) percent of that portion may be graded, subject to Development Standard 9-01.0. (Ord. No. 9967, §2, 7/1/04)
 - b. If the ACS of the remaining portion of the lot or parcel is less than fifteen (15) percent but contains areas of fifteen (15) percent or greater slope, eighty (80) percent of that portion may be graded.
 - c. If the ACS of the remaining portion of the lot or parcel is fifteen (15) percent or greater, Columns B and D of Table 2.8.1-I apply, based on the entire area of the lot or parcel.

E. *Mixed Development.* When a mix of development is proposed, each type of development must meet all criteria for that development, as required by this Section.

2.8.1.7 Natural Areas. Natural areas may be designated on any lot or parcel, subject to the following criteria.

- A. Development other than hiking trails will not be permitted within the legally described boundaries of a natural area. (*See Illustration 2.8.1.7.*)

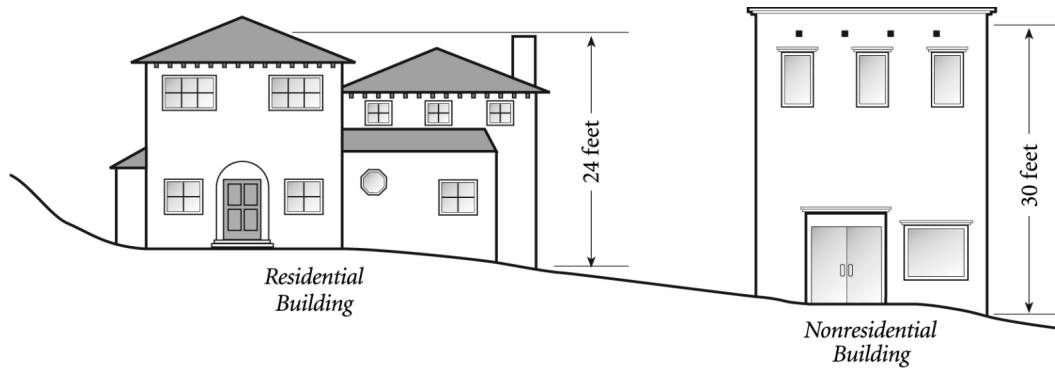


2.8.1.7 Hiking Trails in Designated Natural Areas in HDZ

- B. The natural area will be delineated in a surveyable manner on the tentative and final plats of a subdivision or on the development plan required for development other than a subdivision and designated by legal description on a document recorded with the Pima County Recorder for a lot division.
- C. A natural area may be designated as a deed-restricted portion of a privately-owned lot or as a separate parcel. This parcel may be under the ownership of a homeowners' association or deeded to any organization willing to accept responsibility for the perpetual preservation of the natural area, subject to approval and acceptance by the City of Tucson. (*See Illustration 2.8.1.6.*)
- D. To protect the natural areas, covenants which run with the land will be provided in favor of the City of Tucson and of all owners with record interest in the natural area.
- E. If natural areas are designated, then at least one (1) such natural area, if in a parcel of four (4) acres or more in size, shall be at least one-half ($\frac{1}{2}$) acre in size or immediately adjacent and contiguous to other land also designated as natural area which, in the aggregate, is at least one-half ($\frac{1}{2}$) acre in size. Sec. 2.8.1.7 applies only to natural areas and not to other common areas and open spaces, such as recreation areas, road medians, etc., which are not designated as required natural area.

2.8.1.8 Hillside Site Improvement Standard.

- A. *Building Height.* Buildings are limited to a building height of twenty-four (24) feet for residential development and thirty (30) feet for nonresidential development or the maximum height permitted by the underlying zone, whichever is more restrictive. If the building also falls within the boundaries of other overlay zones, the more restrictive of the requirements applies. (*See Illustration 2.8.1.8.*)



2.8.1.8 Building Height

- B. *Site Improvement Standard.* All proposed site work, including grading, will comply with Development Standard 9-01.0. (Ord. No. 9967, §2, 7/1/04)
- C. *Color.* All exposed exterior walls and roofs of structures, retaining walls, and accessory structures, except satellite dishes, shall be earth tone in color and will blend with the predominant natural colors found on the lot or parcel. Satellite dishes may be black. White is not permitted.

2.8.1.9 Maintenance and Protection. Measures may be required prior to approval of a subdivision plat or issuance of building permits, such as covenants, assurances, or homeowners' associations, as may be necessary to ensure the long-term maintenance of slope control measures. (Ord. No. 9392, §1, 5/22/00)

2.8.1.10 Enforcement.

- A. The developer and/or property owner will be responsible for the following.
1. Submitting average natural cross-slope and sloped area analyses, certified by an Arizona registered professional, such as an engineer, land surveyor, architect, or landscape architect, for review and verification by the City Engineer or designee. (Ord. No. 9392, §1, 5/22/00)
 2. Surveying, staking, and inspection of the lot or parcel by a certified engineer or land surveyor to determine compliance with the provisions of this Section.
 3. On-site enforcement by certifying to the City Engineer or designee that the development complies with the Hillside Development Zone (HDZ) regulations during the period of development. (Ord. No. 9392, §1, 5/22/00)
- B. If violation of any provision of the HDZ occurs, the property owner will be responsible for bringing the violation into compliance with the requirements of this zone. This may require restoration of the site as closely as possible to its original undisturbed condition, topography, and vegetation, in order to remove the violation.

2.8.1.11 Reserved.

2.8.1.12 Variances. A request for a variance from the three hundred (300) foot setback from a protected peak or ridge as provided for in Sec. 2.8.1.6 shall meet, in addition to the findings required for a variance, the following conditions. Consideration shall be in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §2, 7/1/04)

- A. The proposed development is for a single-family residence.
- B. The only area to be graded within the protected peak and ridge setback area is for a building pad and access to the building.
- C. The visible external portion of the building or structure, except for doors, windows, and mechanical equipment, shall be constructed of materials which will blend with the predominant natural colors found on the lot or parcel.
- D. The highest portion of the structure shall be no higher than the elevation of the peak or ridge.
- E. No more than six (6) feet of the external portion of the structure shall be exposed, except at points of ingress and egress.
- F. All utilities on the lot or parcel shall be located underground.
- G. The project shall be designed so that glass surfaces do not reflect beyond the lot or parcel boundaries. This can be accomplished by methods such as using nonreflective glass or providing overhangs or other window shading, structural elements, or landscaping which, when mature, will screen windows.

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DIVISION 8. OVERLAY ZONES

SCENIC CORRIDOR ZONE (SCZ)

2.8.2 SCENIC CORRIDOR ZONE (SCZ).

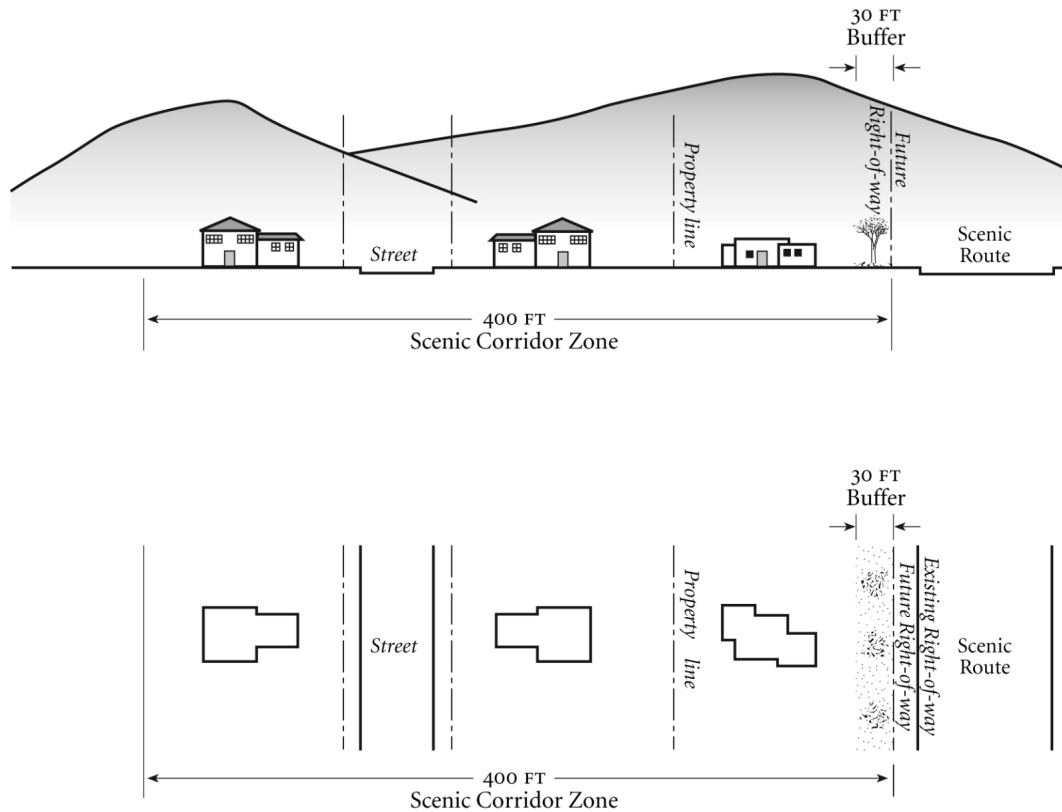
2.8.2.1 Introduction. Tucson is located on a magnificent city site, with mountain ranges in all directions and attractive foothills leading up to the mountains. This setting is a scenic resource of great value for the city, for its inhabitants, and for its economy. Specifically, beautiful surroundings help to attract tourists to the city, and nationwide experience indicates that the most desirable new sources of employment have been locating in areas with the most attractive environments. Preservation of scenic resources is, therefore, important for both aesthetic and economic reasons. These valuable scenic resources include views up to and into the mountains, including the mountain profiles and their foothills, and views from the mountains across the valley. They also include significant natural vegetation and geological formations along designated Scenic Routes.

2.8.2.2 Purpose. To protect the city's unique visual setting and promote its economic well-being, performance regulations are required to assure design sensitivity to the natural scenic quality. These regulations are established to provide for the preservation of:

- A. Views of prominent mountain ridge lines that form the limits of scenic viewsheds and provide a natural backdrop for sensitively designed development.
- B. Viewsheds which provide the observer with a visual perspective of the area in terms of foreground, middle ground, and background.
- C. The scenic quality of the desert and mountain environment through the retention of native vegetation and natural topography.
- D. View windows through an aesthetic screening or siting of developmental elements that are incompatible with the natural qualities of the surrounding area.

2.8.2.3 Applicability. The provisions of the Scenic Corridor Zone (SCZ) apply to any portion of all real properties or parcels which are within four hundred (400) feet of the future right-of-way line of any Scenic Route designated on the Major Streets and Routes (MS&R) Plan. (*See Illustration 2.8.2.3.*)

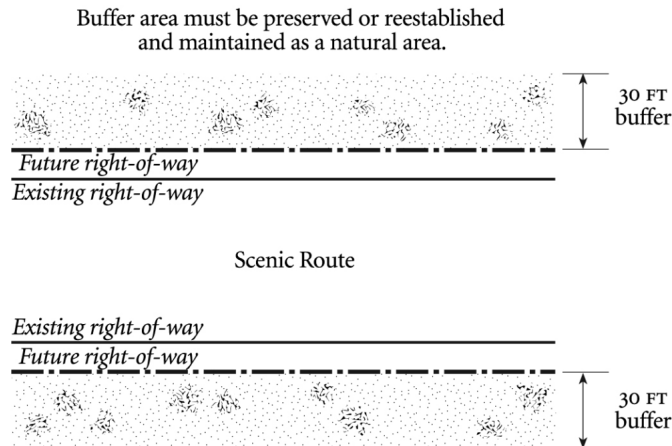
- A. Utility facilities constructed or installed pursuant to a certificate of environmental compatibility issued prior to the adoption of this Section, under the authority of Arizona Revised Statutes (ARS), Title 40, Chapter 2, Article 6.2, are exempt from the provisions of this Section.
- B. On street intersections where both the SCZ and the Gateway Route overlap, the applicability of the SCZ starts seven hundred (700) feet from the Gateway Route future right-of-way line. The requirements of the Gateway Route are applicable within the described seven hundred (700) feet.
- C. Designation, amendment, or change of boundaries for a Scenic Corridor Zone are established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3. (Ord. No. 9967, §2, 7/1/04)



2.8.2.3 Scenic Corridor Zone

2.8.2.4 Preservation and Reestablishment of Vegetation.

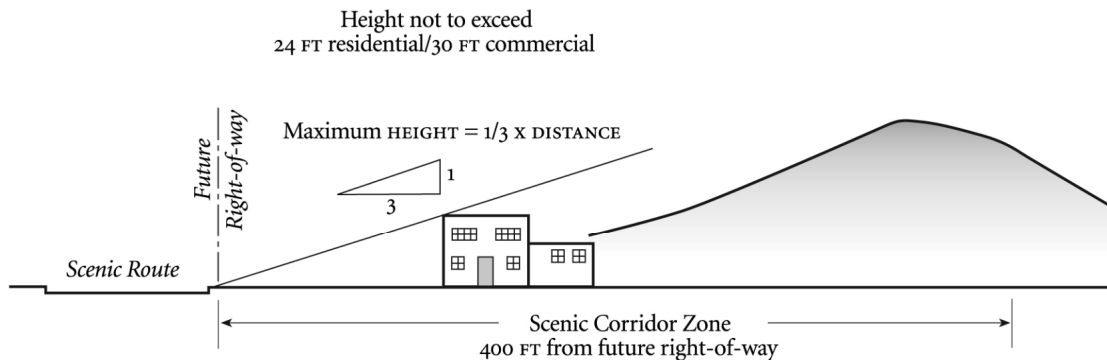
- A. A buffer area thirty (30) feet wide, adjacent to the MS&R right-of-way line, is to be preserved and maintained in its natural state. The buffer area shall be in lieu of the landscape border required along street frontages under Sec. [3.7.0](#), Landscaping and Screening Regulations. (See *Illustration 2.8.2.4.A.*)
- B. All landscaping, including preservation and reestablishment of native vegetation, shall comply with Sec. 3.7.5.2, Scenic Routes.



2.8.2.4.A Preservation and Reestablishment of Vegetation Adjacent to Scenic Route

2.8.2.5 Structure Height.

- A. The maximum height of a structure will be one-third (1/3) the distance of the structure from the future right-of-way line, with the following exceptions. (See Illustration 2.8.2.5.)
1. Principal structures, with a maximum height of twelve (12) feet zero (0) inches, may be constructed anywhere within the buildable area of the parcel.
 2. Nonresidential structures may not exceed thirty (30) feet in height.
 3. Residential structures will not exceed twenty-four (24) feet in height.
- B. Where there is a conflict between these structure height regulations and those of the existing underlying zone or Hillside Development Zone (HDZ), if applicable, whichever is most restrictive will apply.



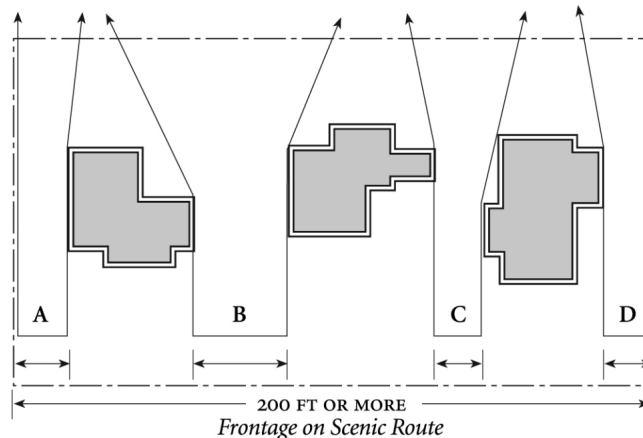
2.8.2.5 Maximum Structure Height in Scenic Corridor Zone

2.8.2.6 Siting.

- A. Siting of structures will be such that existing natural topography and vegetation is minimally disturbed. No grading beyond that necessary for siting of buildings, parking, private yards, and structural improvements will be allowed. All existing vegetation with a caliper of four (4) inches or greater and all saguaro cacti must be preserved or relocated on the site.
- B. Any development site which has at least two hundred (200) feet of frontage along a Scenic Route will have view corridors, with a combined width of at least twenty (20) percent of that frontage, which allow vision from at least one (1) point into and through that portion of the project that lies within the SCZ, from the Scenic Route. (*See Illustration 2.8.2.6.B.*)

View corridors must have a combined width of at least 20 percent of the width of the frontage.

$$\frac{A+B+C+D}{\text{WIDTH OF FRONTAGE}} = 20 \text{ PERCENT OR MORE}$$

**2.8.2.6.B View Corridors in Scenic Corridor**

- C. Drainageways are to be maintained in their natural states where possible, and the discretionary authority shall be exercised only under unusual circumstances. In situations where the discretionary authority is exercised by the City Engineer or designee, modifications will be in accordance with the "Floodplain and Erosion Hazard Area Regulations." (Ord. No. 9392, §1, 5/22/00)

2.8.2.7 Parking Areas. Landscaping and screening of parking areas shall comply with Sec. 3.7.2.3, Vehicular Use Areas.

2.8.2.8 Screening. Screening shall comply with Sec. [3.7.3](#), Screening Requirements.

2.8.2.9 Utilities.

- A. All new utilities for development on private property and on public right-of-way along Scenic Routes will be underground.

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SCENIC CORRIDOR ZONE (SCZ)

Where possible, existing poles will be used to provide the required transition to underground service to new developments adjacent to scenic corridors. However, a new pole set in line with the existing overhead system, when necessary to serve approved new developments, shall not be deemed to be a new utility. Upgrades and reinforcements of existing overhead facilities are allowed to the extent that the total number of electrical circuits or communication cables is not increased. Relocation of overhead utility facilities required by public improvement districts along scenic corridors will conform with existing franchise requirements.

- B. Where an existing development is expanded by fifty (50) percent or more in floor area or land area, new and existing utilities to all portions of the development will be located underground. Incremental expansion will be cumulative. Additions to single-family dwellings are exempt.

2.8.2.10 Additional Design Considerations.

- A. Building or structure surfaces, which are visible from the Scenic Route, will have colors which are predominant within the surrounding landscape, such as desert and earth tones. Single-family dwellings, except in subdivisions recorded after May 28, 1985, are exempt.
- B. Fencing and freestanding walls facing the Scenic Route will meet the material restrictions in Sec. [3.7.3](#), Screening Requirements.
- C. Regulations for signs are stipulated in Section 3-32, Scenic Route District, of Chapter 3, Advertising and Outdoor Signs, of the *Tucson Code*, and are further supplemented by the following.
1. On any conflict in requirements between this Section and Section 3-32, the more strict of the two prevails.
 2. Signs are to use those colors which are predominant within the surrounding landscape, such as desert and earth tones.
 3. No commercial advertising sign, except a sign pertaining to a use conducted on the premises or a sign advertising the sale or lease of the property upon which the sign is located, and no billboard shall be erected within four hundred (400) feet of the right-of-way line on any street or route designated as "scenic" on the major thoroughfare system approved and adopted by the Mayor and Council.

2.8.2.11 Site Design Review. Applications for projects within the Scenic Corridor Zone (SCZ) shall be reviewed in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

- A. At the request of the Development Services Department (DSD) Director or applicant, the Design Review Board (DRB) shall review building elevations, landscaping, parking areas, and other contributing design features to substantiate compliance with the criteria required in making a decision. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)
- B. The decision to approve or deny the project will be based on the purpose, intent, and specific regulations of this Section, on the objectives specified in the *Major Streets and Routes (MS&R) Plan* for scenic corridor development, and on the following criteria which provide for the preservation of: (Ord. No. 9392, §1, 5/22/00)
1. Views of prominent mountain ridge lines that form the limits of scenic viewsheds and provide a natural backdrop for sensitively designed development.

-
2. Viewsheds which provide the observer with a visual perspective of the area in terms of foreground, middle ground, and background.
 3. The scenic quality of the desert and mountain environment through the retention of native vegetation and natural topography.
 4. View windows through an aesthetic screening or siting of developmental elements that are incompatible with the natural qualities of the surrounding area.

2.8.2.12 Submittals. Submittals shall be in compliance with requirements established in Development Standard 9-02.2.1. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

2.8.2.13 Grading. No grading can occur until thirty (30) days prior to construction. Construction plans must be in the review process for permits, or construction permits must have already been issued. Grading permits are to cover only those areas for which building permits are granted.

2.8.2.14 Variances. The Design Review Board (DRB) shall review all requests for variances from Scenic Corridor Zone (SCZ) regulations as provided in Sec. [5.1.8.3.B](#) and shall forward its recommendations in accordance with Sec. [5.1.8.2.F](#). (Ord. No. 9179, §1, 12/14/98; Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9392, §1, 5/22/00)

2.8.3 MAJOR STREETS AND ROUTES (MS&R) SETBACK ZONE.

2.8.3.1 Purpose. The purpose of this overlay zone is to implement policies in the City's *General Plan*, the Regional Transportation Plan, and the Air Quality Plan, with specific emphasis on the Major Streets and Routes (MS&R) Plan. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the: (Ord. No. 9517, §2, 2/12/01)

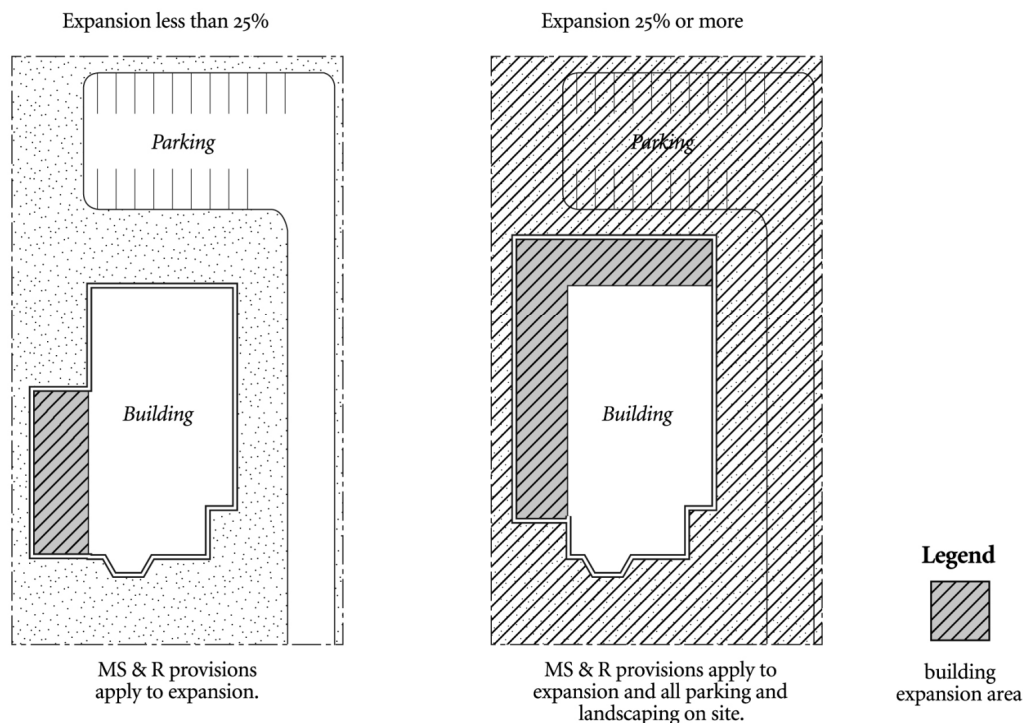
- A. Capability of street widening in a timely manner in order to increase the safety of the street system, allow for adequate street capacity, and provide for the movement of traffic safely and efficiently.
- B. Capability of timely improvement of the street system to assist in reducing air pollution which:
 - 1. Poses a significant threat to the health of the residents; and
 - 2. Negatively impacts on sectors of the economy dealing with astronomical observation, research, tourism and convention, health, and filmmaking; and
 - 3. Adversely affects the quality of life.
- C. Economic viability of new land uses located on the MS&R system by establishing design criteria which will provide adequate on-site facilities to accommodate and serve those land uses after street widening and improvement.
- D. Improvement of the MS&R system by establishing regulations which assure availability of land for street widening purposes, including alternate modes of transportation such as bicycle, pedestrian, and mass transit.
- E. Stability of residential neighborhoods that are in close proximity to streets on the MS&R system, minimizing any unsafe encroachment into adjacent neighborhoods by requiring all new and expanding land uses located on the MS&R system to maintain adequate facilities to serve their needs after any street improvement.
- F. Community's continued economic stability by establishing design criteria to provide for the economic viability of all properties located along the MS&R system after street improvements.

2.8.3.2 Applicability. The provisions of the MS&R setback zone apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or County's MS&R Plan. (*See Illustration 2.8.3.2.*)

- A. All new structures.
- B. All new uses of land, including new structures occurring on vacant land.
- C. All uses of land or structures legally existing as of June 27, 1988, which are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. However, on a nonconforming existing use, any expansion of off-street parking that would increase the number of spaces to the minimum required by the Code for that use is exempt from counting toward the twenty-five (25) percent expansion.

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1. If the expansion is less than twenty-five (25) percent, the MS&R provisions apply to the proposed expansion. The remainder of the use or structure is governed by provisions in force at the time of initial approval for the use or structure.
 2. If the expansion is twenty-five (25) percent or more, the MS&R provisions apply to the proposed expansion and to any parking and landscaping requirements which apply to the overall development.
 3. All expansions which occur after the adoption of this Code are cumulated in determining the twenty-five (25) percent expansion.
- D. In a case where one (1) or more of the requirements of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the strictest requirements will apply.
- E. Designation, amendment, or change of boundaries for a Major Street and Route are established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3. (Ord. No. 9967, §2, 7/1/04)



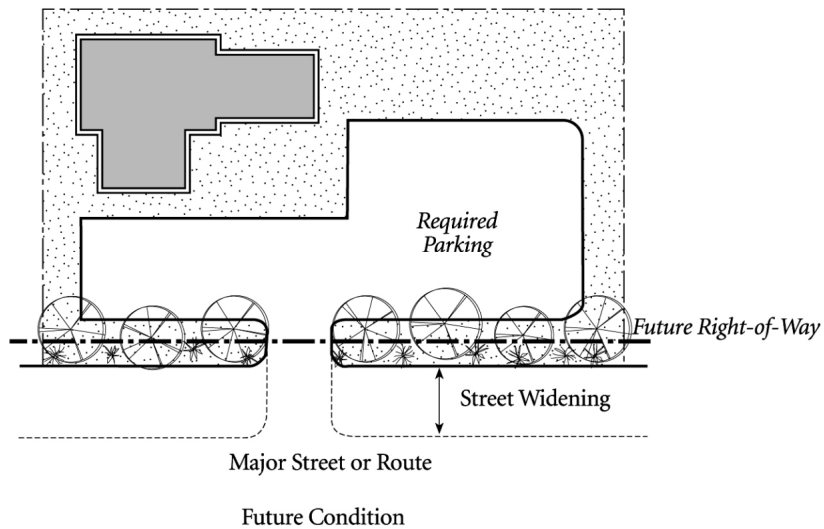
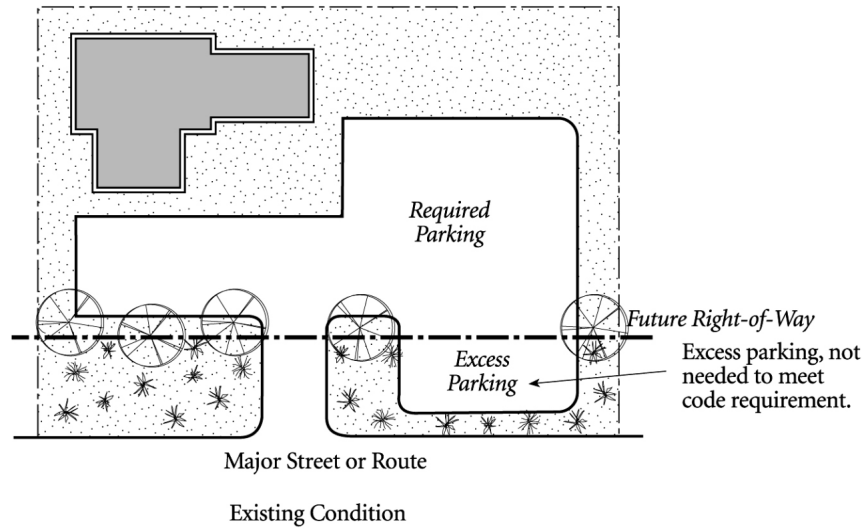
The 25 percent expansion provisions also apply to Gateway Corridor Zone, Parking, Landscaping, Loading and Pedestrian Access requirements; see relevant sections for details (SEC. 3.3.2 & 3.7.1.2)

2.8.3.2 Applicability of MS & R Setback Provisions

- 2.8.3.3 **MS&R Map Adoption and Amendment.** The major streets and routes applicable under these provisions are established by the MS&R Map, which is adopted as a component of the MS&R Plan. The MS&R Plan, including designations of Scenic Routes and Gateway Routes, and changes to existing designations are adopted and amended through the legislative process as a specific plan as set forth in the Planning Commission Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.2](#). Designations of extensions of Scenic Routes and Gateway Routes may also be adopted with the adoption of original city zoning in accordance with the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9517, §2, 2/12/01; Ord. No. 9967, §2, 7/1/04)

- 2.8.3.4 Establishment of MS&R Right-of-Way Lines and Gateway Routes. MS&R right-of-way line locations are established utilizing the future right-of-way width for those streets identified in the MS&R Plan. The widths are measured in accordance with the method established by the MS&R Plan. Gateway Routes are those major streets or routes designated as Gateway Routes by the MS&R Plan.
- 2.8.3.5 Permitted Use of MS&R Right-of-Way Area. The area between the MS&R right-of-way lines is also referred to as the MS&R right-of-way area, whether publicly or privately owned. It may be used in addition to roadway improvements in conjunction with and accessory to development on abutting properties, as follows.
- A. No portion of the MS&R right-of-way area that is publicly owned will be used toward complying with *Land Use Code (LUC)* requirements, unless specifically stipulated.
 - B. For landscaping in compliance with Sec. [3.7.0](#), Landscaping and Screening Regulations.
 - C. For structural improvements, provided:
 - 1. The MS&R is not a Scenic Route.
 - 2. The structure is not a building.
 - 3. That, if the improvement is for off-street parking, such parking must be in addition to the amount required for the existing use(s), and the area must be fully improved as required for any parking area. The screening and landscaping required by Sec. [3.7.0](#), Landscaping and Screening Regulations, for vehicular use areas, street landscape borders, and Gateway Routes may be located temporarily in the MS&R right-of-way area until such time as this area is used for right-of-way purposes. Upon elimination of the parking area, the required screening and landscaping, as specified on the site plan required by Sec. 2.8.3.5.F, will be moved to the location specified on the site plan at no cost to the City. (*See Illustration 2.8.3.5.C.3.*)

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**2.8.3.5.c.3 Permitted Uses of the Major
 Street and Route Right-of-Way Area**

4. The structural improvement, other than landscaping, access, or public improvements, is not located closer than eight (8) feet to the edge of the existing roadway (curb).
5. Such improvement does not obstruct the existing street's sight visibility triangle.

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6. That, if the improvement is a sign, it is permitted as an on-site sign by the Sign Code. Such sign is to be removed at the time of street widening at no expense to the City.
7. Approval is granted by the Mayor and Council for any structural improvement located within publicly owned right-of-way.

D. For calculation of site requirements.

1. On development projects that are not part of a subdivision plat or rezoning application, the site area within the MS&R right-of-way may be used as follows.
 - a. For calculation of lot coverage or open space as non-lot coverage or open space area, regardless of what improvements are located within that area.
 - b. For calculation of an adjustment, in nonresidential projects, to off-street parking or floor area requirements per Sec. 2.8.3.7, provided the adjustment does not reduce the amount of required parking by twenty (20) percent or more of the amount that would be required without the adjustment.
 - c. For calculation as part of the site, floor area, and density calculations. If the entire MS&R right-of-way area, excluding access and public improvements, to the edge of the paved roadway is landscaped, that part of the site within the MS&R right-of-way area may be included at one and one-eighth (1.125) its size (multiply the area size by 1.125), provided:
 1. The landscaping is visible from the public right-of-way.
 2. The landscaping is over and above that required by the *LUC*.
 3. The street is not scheduled for construction within a period of three (3) years from the date of issuance of a building permit.
 - d. If, in addition to landscaping the entire MS&R area, that area is dedicated to the City at nominal cost, the area may be included at one and one-fourth (1.25) its size (multiply the area dedicated by 1.25) in lieu of the 1.125. In this situation, Sec. 2.8.3.5.D.1.c.3 would not apply.
2. On development projects that are part of a subdivision plat application but not part of a rezoning application, Sec. 2.8.3.5.D.1.c may be utilized.

E. Landscaping that is provided to achieve additional density or floor area is considered a requirement of the *LUC* and is to be maintained in compliance.F. An approved site plan is required indicating how the project will comply with *LUC* requirements when the MS&R right-of-way can no longer be used as part of the site. Such plan is to be an exhibit to an executed covenant for recordation stating the responsibility of the property owner, successor, or assignee as to the removal of improvements and compliance with the *LUC* at no cost to the City.

2.8.3.6 MS&R Street Building Setback. The required minimum building setback along a street that is designated a major street or route on the MS&R Map is regulated under Sec. 3.2.6.5.B, if the street is not a designated Scenic Route on the MS&R Map. Along a street that is designated a Scenic Route, the required building setback is regulated under Sec. 2.8.2, Scenic Corridor Zone (SCZ).

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2.8.3.7 Adjustment. As per Sec. 2.8.3.5, in nonresidential projects, an adjustment to the amount of required off-street parking is permitted to compensate for the setting aside of property for eventual use as part of an MS&R improvement. The amount of adjustment depends on the individual situation. To determine the amount, an adjustment factor is applied and calculated as follows.

A. *Applying Adjustment Factor.* The adjustment factor (percentage) is utilized to accomplish one (1) of the following.

1. To lower the ratio of required off-street parking spaces to the square footage of use.
2. To increase the square footage of use for the amount of off-street parking provided.
3. To increase the seating capacity of a use for the amount of off-street parking provided.

The adjustment factor is applied as shown in the following example.

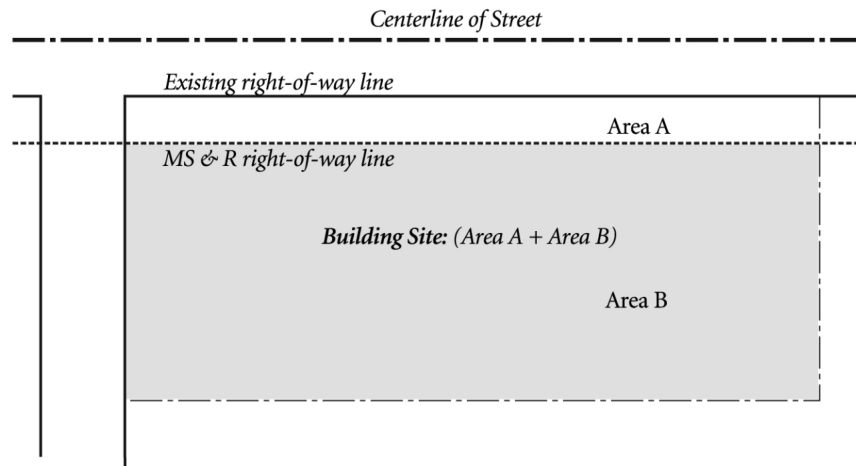
- Required Parking Ratio: One (1) space for every two hundred (200) square feet of floor area.
- Adjustment Factor: Eleven and two-tenths (11.2) percent. (Refer to Sec. 2.8.3.7.B.)
- Proposed Building Square Footage: Thirty thousand four hundred forty (30,440) square feet.

Application 1. Adjustment to the Parking Ratio. If the adjustment factor is applied to the parking ratio, then the ratio (200) is multiplied by the adjustment factor (0.112). The result (22.4) is added to the normally required ratio (200) to provide the new adjusted ratio (222.4) that would be applicable.

Application 2. Adjustment to Building Size. If the adjustment factor (11.2%) is applied to the floor area (30,440), first the parking would be calculated on the thirty thousand four hundred forty (30,440) square feet which, at one (1) space per two hundred (200) square feet, would equal one hundred fifty-two (152) parking spaces that must be provided. Then, the thirty thousand four hundred forty (30,440) square feet is multiplied by the adjustment factor (0.112). The result (3,409) is then added to thirty thousand four hundred forty (30,440) square feet to provide a total building square footage of thirty-three thousand eight hundred forty-nine (33,849) that could be placed on the property.

Application 3. Adjustment to Seating Capacity. To apply the adjustment factor in a situation where the required off-street parking is calculated by the number of seats, such as one space for every five seats, the adjustment factor (0.112) is multiplied by the number of seats (5). The result (0.56) is added to the number of seats (5) to provide the new adjusted ratio of one (1) space for every 5.56 seats that would be applicable.

B. *Calculation of Adjustment Factor.* The adjustment on each project is based on the amount (by percentage) of site area that is within the MS&R right-of-way area (A). This adjustment factor is calculated by dividing that area (A) by the gross site area which includes area A. The adjustment factor is calculated to the nearest thousandth. (See Illustration 2.8.3.7.B.)



2.8.3.7.B Adjustment of Off-street Parking Requirements

Formula: $A \div (A + B) = \text{Adjustment factor}$

Where:

A	=	Site area within MS&R right-of-way
B	=	Site area outside the MS&R right-of-way
A + B	=	Site area or gross site area

Example 1. The formula is utilized as follows, where:

A	=	15,000 square feet
B	=	75,000 square feet
$A \div (A + B)$	=	Adjustment factor (percentage)
$15,000 \div (15,000 + 75,000)$	=	Adjustment factor
$15,000 \div 90,000$	=	Adjustment factor
.167	=	16.7% = Adjustment factor

Example 2. Adjustment utilizing Sec. 2.8.3.5.D.1.d.

If area A were dedicated to the City, then area A would be allowed to count at one and one-fourth (1.25) its size in the adjustment calculation as provided in Sec. 2.8.3.5.D.1.d. For example, utilizing the site conditions in Example 1, where A is equal to fifteen thousand (15,000) square feet utilizing the provision of Sec. 2.8.3.5.D.1.d, area A would now be equal to eighteen thousand seven hundred fifty (18,750) square feet (15,000 multiplied by 1.25). The calculation would be as follows with B = 75,000 square feet:

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$A \div (A + B)$	=	Adjustment factor
$18,750 \div (18,750 + 75,000)$	=	Adjustment factor
$18,750 \div 93,750$	=	Adjustment factor
0.20	=	20% = Adjustment factor

(Ord. No. 9179, §1, 12/14/98)

2.8.4 GATEWAY CORRIDOR ZONE.

2.8.4.1 Purpose. The purpose of this overlay zone is to implement policies in the City's *General Plan*, the Regional Transportation Plan, and the Air Quality Plan, with specific emphasis on the Major Streets and Routes (MS&R) Plan. The MS&R Plan projects the future arterial and collector street needs of the community and is a tool to implement the development of a safe and efficient street system and the design of all land uses serviced by that system, while assuring the economic viability of new and expanding land uses and the continued economic stability of the community. These goals are achieved by providing for the visual improvement of major streets and routes designated as Gateway Routes by implementing standards for the design and landscaping of the roadway and adjacent development, thereby providing: (Ord. No. 9517, §2, 2/12/01)

- A. A favorable visual impression of Tucson to tourists and visitors at entry points to the city and on routes leading to major recreation attractions.
- B. Enhancement of the built environment along routes of important commercial development.
- C. Incentives for private investment and economic development by providing an attractive streetscape.
- D. Aesthetic buffering through the implementation of screening or siting of developmental elements that are incompatible with the urban character of adjacent uses.
- E. The improvement and use of the pedestrian environment along major transit routes.
- F. Some measure of air quality control by requiring landscaping with live vegetation to assist in purifying the air of carbon dioxide through oxygenation and dilution.

2.8.4.2 Applicability. The provisions of the Gateway Corridor Zone apply to the following uses on all property, any portion of which abuts or is adjacent to a street designated on the City's or County's MS&R Plan.

- A. All new structures.
- B. All new uses of land, including new structures occurring on vacant land.
- C. All uses of land or structures legally existing as of June 27, 1988, which are expanded in floor area, lot coverage, parking, seating capacity, or any other expansion of use, as listed below. However, on a nonconforming existing use, any expansion of off-street parking that would increase the number of spaces to the minimum required by the Code for that use is exempt from counting toward the twenty-five (25) percent expansion.
 - 1. If the expansion is less than twenty-five (25) percent, the Gateway Corridor Zone provisions apply to the proposed expansion. The remainder of the use or structure is governed by provisions in force at the time of initial approval for the use or structure. (Ord. No. 9138, §1, 10/5/98)
 - 2. If the expansion is twenty-five (25) percent or more, the Gateway Corridor Zone provisions apply to the proposed expansion and to any parking and landscaping requirements which apply to the overall development. (Ord. No. 9138, §1, 10/5/98)
 - 3. All expansions which occur after June 27, 1988, are cumulated in determining the twenty-five (25) percent expansion.
- D. In a case where one (1) or more of the requirements of the MS&R setback zone, the Gateway Route, or the Scenic Corridor Zone (SCZ) apply to the same street, the strictest requirements will apply.

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- E. On street intersections where a Scenic Route and Gateway Route intersect, development review and criteria provisions of the Gateway Route apply for seven hundred (700) feet along the Scenic Route from each side of the intersection. The seven hundred (700) feet is measured from the MS&R right-of-way line of the Gateway Route.
 - F. The following are exempt from the application of the Gateway Route requirement.
 - 1. Utility facilities constructed or installed pursuant to a certificate of environmental compatibility issued prior to June 27, 1988, under the authority of Arizona Revised Statutes (ARS), Title 40, Chapter 2, Article 6.2.
 - 2. Any single-family lot legally existing on June 27, 1988.
 - 3. Any development within the Downtown Redevelopment District.
 - G. Where widening of a Gateway Route is planned for construction within three (3) years after the date of a building permit application, landscaping will not be required to be implemented until the road project has been completed, provided the developer posts financial assurances to ensure compliance.
 - H. Designation, amendment, or change of boundaries for a Gateway Route are established through the amendment to the designation on the MS&R Map in accordance with Sec. 2.8.3.3. (Ord. No. 9967, §2, 7/1/04)

2.8.4.3 Gateway Route Development Review. The City will not issue any type of approval or construction permit, nor is any improvement, construction, or alteration of a building or structure allowed along a Gateway Route, until approval is granted. (Ord. No. 9392, §1, 5/22/00)

2.8.4.4 Development Criteria for Gateway Routes. The following development criteria are to be applied on projects located on a major street or route which is designated as a Gateway Route.

- A. *Landscaping.* The landscaping requirements are listed in Sec. [3.7.0](#), Landscaping and Screening Regulations.
- B. *Screening.* Screening requirements are listed in Sec. [3.7.3](#) and Sec. [3.7.5.1](#).
- C. *Signs.* Signs as permitted by Chapter 3 of the Tucson Code are allowed within the required landscaped area with the exception of billboards. Billboards are not permitted within four hundred (400) feet of the MS&R right-of-way line.
- D. *Utilities.*
 - 1. *New Utilities.* All new utilities for development on private and on public right-of-way along Gateway Routes will be underground.
 - a. Existing poles will be used to provide the required transition to underground service to new development adjacent to Gateway Routes. When necessary to serve new development, a new pole set in line with, but not extending, an existing overhead system used to serve new development is not considered a new utility.
 - b. Upgrades and reinforcements of existing overhead facilities are allowed to the extent that the total number of electrical circuits or communication cables is not increased.
 - 2. *Existing Utilities.* Where an existing development is expanded in floor area or land area to any degree, new and existing utilities to all portions of the development will be located underground. Additions to single-family dwellings are exempt.

3. *Relocation of Utilities.* Relocation of overhead utility facilities required by public improvement districts along Gateway Routes will conform with existing franchise requirements.

2.8.4.5 Variances. The Design Review Board (DRB) shall review all requests for variances from Gateway Route regulations as provided in Sec. [5.1.8.3.H](#) and shall forward its recommendations in accordance with Sec. [5.1.8.2.F](#). (Ord. No. 9179, §1, 12/14/98; Ord. No. 9967, §2, 7/1/04)

2.8.5 AIRPORT ENVIRONS ZONE (AEZ).

2.8.5.1 Purpose. The purpose of this overlay zone is to protect the health, safety, and welfare of persons and property in the vicinity of Tucson International Airport (TIA) and Davis-Monthan Air Force Base (DMAFB) and protect the long term viability of DMAFB. This is accomplished by: (1) reducing noise and safety hazards associated with aircraft operations; (2) preserving the operational stability of these airports; and (3) assisting in the implementation of policies and recommendations in the City's *General Plan* and Airport Environs Plan, the Air Installation Compatible Use Zone Report (AICUZ), and the Airport Noise Control, Land Use Compatibility (ANCLUC) Study and the Davis-Monthan Joint Land Use Study (DMJLUS). The overlay district further: (Ord. No. 9517, §2, 2/12/01; Ord. No. 10073, §1, 10/25/04)

- A. Promotes the compatibility of uses with aircraft operations through the establishment of criteria for the regulation of building height and density.
- B. Addresses potentially life-threatening situations in areas exposed to aircraft accident potential through restrictions on the congregation of large numbers of people or high concentrations of people and by restrictions on concentrations of people who are unable to respond to emergency situations, such as children, the elderly, the handicapped, and persons undergoing medical treatment.
- C. Increases the protection of persons exposed to high levels of aircraft noise by requiring acoustical treatment in buildings located within these areas and regulating those uses which are sensitive to such noise.
- D. Prohibits uses which create potential hazards to the safe approach and departure of aircraft.
- E. Recognizes the role of Davis-Monthan Air Force Base in the Tucson community and protects the City's interest in ensuring the continued viability and operation of Davis-Monthan AFB by limiting incompatible land uses in the Approach-Departure Corridor (ADC). (Ord. No. 9781, §1, 10/28/02; Ord. No. 10073, §1, 10/25/04)

2.8.5.2 Maps Established. The Airport Environs Zone (AEZ) includes districts and zones that do not necessarily have the same boundaries. The boundaries of these districts and zones are identified for Tucson International Airport (TIA) and for Davis-Monthan Air Force Base (DMAFB) by the Airport Environs Zone (AEZ) Overlay Map series kept on file in the offices of the City Clerk, the Development Services Department (DSD), and the Department of Urban Planning and Design. The AEZ Overlay Map series is hereby established as the official AEZ Overlay Map series and becomes effective on May 16, 1990, as amended on January 28, 1991, April 27, 1992, October 28, 2002 and January 1, 2005. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9781, §1, 10/28/02). The AEZ is made up of eleven (11) zones and districts. (*See Illustrative Maps 2.8.5.2-I and 2.8.5.2-II.*) Following are the zones and districts applicable to TIA environs and DMAFB environs. (Ord. No. 9781, §1, 10/28/02; Ord. No. 9967, §2, 7/1/04; Ord. No. 10073, §1, 10/25/04)

- A. The following zones and districts are established in the TIA environs:
 - 1. Compatible Use Zone-One (CUZ-1)
 - 2. Compatible Use Zone-Two (CUZ-2)
 - 3. Compatible Use Zone-Three (CUZ-3)
 - 4. Noise Control District 65 (NCD 65) – High Noise District with exposures of 65-70 Ldn designated at TIA
 - 5. Noise Control District 70 (NCD 70 – High Noise District with exposures of 70+ Ldn designated at TIA

B. The following zones and districts are established in the DM environs:

1. Approach Departure Corridor One (ADC-1) – Northwest end of DMAFB runway
2. Approach Departure Corridor Two (ADC-2) – Southeast end of DMAFB runway up to 30,000 feet from end of runway.
3. Approach Departure Corridor Three (ADC-3) – Southeast end of DMAFB runway 30,000 to 50,200 feet from end of runway.
4. Noise Control District -A (NCD A) - High Noise District with exposures of 65-70 Ldn designated at DMAFB.
5. Noise Control District – B (NCD B) - High Noise District with exposures of 70+ Ldn designated at DMAFB

C. The following district applies to both the TIA environs and the DMAFB environs:

1. Airport Hazard Districts (AHD) - A specifically designated area of land where uses, which constitute hazards to aircraft operations, are prohibited and heights are limited.

(Ord. No. 9781, §1, 10/28/02; Ord No. 10073, §1, 10/25/04)

2.8.5.3 Applicability. Sections 2.8.5.3, 2.8.5.4, 2.8.5.5 and 2.8.5.6 apply to the TIA environs. Where more than one (1) district or zone is applicable to a property, the requirements of all applicable districts or zones apply. Where requirements conflict, the most restrictive applies. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the TIA boundaries established by Sec. 2.8.5.2.A. For property partially within the TIA, the provisions apply to only those portions within the boundaries of the AEZ. For areas outside the city limits, which have not been annexed by the City, the AEZ overlay provisions apply upon annexation. (Ord No. 10073, §1, 10/25/04)

A. New development.

B. A change in, expansion of, or addition to the use of an existing structure as follows.

1. The residential density, employee density, and emergency evacuation plan and training requirements of Sec. 2.8.5.5 apply to the entire existing structure if the change, expansion, or addition results in an increase in any of the following.
 - a. Employee density.
 - b. Residential density.
 - c. Number of employees.

- d. Number of persons of the general public for whom the structure was intended or designed to accommodate.
- 2. The noise attenuation requirements of Sec. 2.8.5.6 apply to the entire existing structure if the use of the existing structure is changed from any other land use to one (1) or more of the following uses.
 - a. Residential.
 - b. Place of public accommodation.
 - c. Administrative or Professional Office.
- C. Expansion of an existing development as follows.
 - 1. If the gross floor area of a structure or the gross floor area on a project site is expanded by less than fifty (50) percent, the provisions of the Airport Environs Zone (AEZ) apply only to the areas of expansion.
 - 2. If the gross floor area of a structure is expanded by fifty (50) percent or more, the requirements of Sec. 2.8.5.6 apply to the entire structure. The sound attenuation requirement in this Section does not, however, apply to an expansion of the following types of structures existing prior to May 16, 1990.
 - a. A single-family or duplex dwelling.
 - b. A mobile home.
 - c. A manufactured housing unit.
 - 3. If the gross floor area on a project site is expanded by fifty (50) percent or more, the employee density, lot coverage, and emergency evacuation plan and training requirements of Sec. 2.8.5.5 apply to the entire project site.
 - 4. Cumulation of Expansions. Expansions are cumulated over time from May 16, 1990. Once a structure or project site is brought into conformance with the provisions of this Section, subsequent expansions are accumulated as of the date the existing structure or project site is brought into conformance.
- D. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.
- E. Designation, amendment, or change of boundaries for an Airport Environs Zone are established through the amendment to the designation on the AEZ Maps in accordance with Sec. 2.8.5.2. (Ord. No. 9967, §2, 7/1/04)

(Ord No. 10073, §1, 10/25/04)

2.8.5.4 The following provisions apply to the TIA Environs. (Ord No. 10073, §1, 10/25/04)

- A. *Permitted Uses.* The land uses permitted are those permitted by the underlying zone, except as restricted by this Section.
- B. *Posting of Occupancy Limitations.* Any restriction of occupancy required under this ordinance as a condition of building permit issuance or certificate of occupancy will be posted on the premises. The owner/manager(s) of the premises may not permit the limitation to be exceeded. (Ord. No. 9392, §1, 5/22/00)

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2.8.5.5 Compatible Use Zones for the TIA Environs. Land use regulations within the Compatible Use Zones are as follows. (Ord No. 10073, §1, 10/25/04)

A. *CUZ-1.* (Ord No. 10073, §11, 10/25/04)

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.
 - a. Flexible Lot Development (FLD) as described in Sec. 3.6.1 is not permitted. (Ord. No. 10636, §11, 2/24/09)
 - b. Residential development may occur in compliance with underlying zoning, with no more than twenty-five (25) dwelling units per building.
2. No more than one (1) employee for every two hundred fifty (250) square feet of gross floor area of all buildings on a project site at any time may be accommodated by intention, design, or in fact.
3. Structures or uses with fifty (50) or more employees must develop an emergency evacuation plan and training program and implement it as approved by the Fire Department. (Ord. No. 9392, §1, 5/22/00)
4. The maximum height limit is seventy-five (75) feet, except where Sec. 2.8.5.7 reduces that limit.

B. *CUZ-2.* (Ord No. 10073, §1, 10/25/04)

1. Single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.
 - a. Flexible Lot Development (FLD) as described in Sec. 3.6.1 is not permitted. (Ord. No. 10636, §11, 2/24/09)
 - b. Residential development may occur in compliance with underlying zoning, with no more than twenty-five (25) dwelling units per building.
2. Structures or uses with fifty (50) or more employees must develop an emergency evacuation plan and training program and implement it as approved by the Fire Department. (Ord. No. 9392, §1, 5/22/00)
3. The maximum height limit is seventy-five (75) feet, except where Sec. 2.8.5.7 reduces that limit.

C. *CUZ-3.* (Ord No. 10073, §1, 10/25/04)

1. In CUZ-3, single-family and multifamily dwellings and mobile homes are permitted, only if the property is zoned IR, RH, SR, RX-1 (UR), RX-2, R-1, R-2, MH-1 (MH), MH-2 (MHP), or R-3 and such zone was in place prior to May 16, 1990. Other uses allowed by the underlying zoning are permitted, except as modified by Sec. 2.8.5.5.E.
 - a. Flexible Lot Development (FLD) as described in Sec. 3.6.1 is not permitted. (Ord. No. 10636, §11, 2/24/09)

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- b. Minimum lot area per dwelling unit is one hundred forty-four thousand (144,000) square feet.
- 2. In CUZ-3, no development may exceed seventy-five (75) percent lot coverage and 0.375 Floor Area Ratio (FAR). (Ord. No. 8653, §1, 2/26/96)
- 3. In CUZ-3, no structure or use or contiguous structure or use may accommodate, by intention or design, in whole or in part, at any one time, more than fifty (50) employees.

(Ord. No. 9781, §1, 10/28/02; Ord No. 10073, §1, 10/25/04)

D. Prohibited Uses.

- 1. Public assembly is prohibited within CUZ-1, CUZ-2, and CUZ-3.
 - a. Exception: Accessory Food Service uses for employees only; such uses will be provided on-site entirely within a structure devoted to a permitted principal use.

(Ord No. 10073, §1, 10/25/04)

- 2. In addition to public assembly, the following uses are prohibited within CUZ-1 and CUZ-2. (Ord No. 10073, §1, 10/25/04)
 - a. Civic Assembly of fifty (50) or more persons.
 - b. Day Care.
 - c. Educational Use: Elementary and Secondary Schools.
 - d. Medical Service.
 - e. Adult care homes, adult care facilities, specialized treatment homes, and group homes for the seriously mentally ill.
- 3. In addition to public assembly, the following uses are prohibited within CUZ-3. (Ord No. 10073, §1, 10/25/04)
 - a. Alcoholic Beverage Service (on premises).
 - b. Civic Assembly.
 - c. Cultural Use.
 - d. Day Care.
 - e. Educational Use.
 - f. Entertainment (indoor and outdoor).
 - g. Financial Service (except automated teller).
 - h. Food Service (on premises, except as accessory use).
 - i. General Merchandise Sales (retail stores over 2,500 square feet gross floor area).

- j. Medical Service - Major.
- k. Membership Organization.
- l. Medical Service - Outpatient.
- m. Recreation (indoor and outdoor).
- n. Religious Use.
- o. Swap Meet or Auction.
- p. Travelers' Accommodation.

2.8.5.6 Noise Control Districts.

A. *NCD-65.*

- 1. Within Noise Control District-65, the following uses must be provided with sound attenuation, to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0. (Ord No. 10073, §1, 10/25/04)
 - a. All site-built residential uses.
 - b. All places of public accommodation.
 - c. All Administrative and Professional Offices.
- 2. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-65, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides adequate sound attenuation to reduce the interior noise level to Ldn 45. (Ord. No. 9374, §1, 4/10/00)
- 3. Prohibited Uses: Within NCD-65, the following uses are prohibited.
 - a. Day Care.

B. *NCD-70.*

- 1. Within Noise Control District-70, the following uses must be provided with sound attenuation to reduce the interior noise level to an Ldn of 45 or less, as specified by Development Standard 9-05.0. (Ord No. 10073, §1, 10/25/04)
 - a. All site-built residential uses.
 - b. All places of public accommodation.
 - c. All Administrative and Professional Offices.
- 2. Single-family and multifamily dwellings are permitted, provided the property is residentially zoned as of May 16, 1990, and provided the interior noise level is reduced to an Ldn of 45 or less as specified in Sec. 2.8.5.6.B.1.

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3. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-70, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides adequate sound attenuation to reduce the interior noise level to Ldn 45. (Ord. No. 9374, §1, 4/10/00)
4. Special Exception Land Uses. The following uses are generally considered to be inappropriate within the high noise area, NCD-70. They may be approved as Special Exception Land Uses upon application, review, and approval in accordance with Sec. 23A-50, 23A-53, Full Notice Procedure, Zoning Examiner Special Exceptions. In addition to the standard notice required for Special Exception Land Use applications, the Tucson Airport Authority and Davis-Monthan Air Force Base will be notified of all such applications within the boundaries of the Airport Environs Zone (AEZ). (Ord. No. 9781, §1, 10/28/02; Ord. No. 9967, §2, 7/1/04; Ord No. 10073, §1, 10/25/04)
 - a. Civic Assembly.
 - b. Cultural Use.
 - c. Educational Use: Postsecondary Institution.
 - d. Entertainment.
 - e. Medical Service - Major.
 - f. Swap Meet or Auction.

In addition to the required findings and conditions specified in Section 23A-50, 23A-53, Full Notice Procedure, Zoning Examiner Special Exceptions, these uses must be shown to be consistent with the intent of the Airport Environs Zone (AEZ) and the Airport Environs Plan or the Air Installation Compatible Use Zone (AICUZ) Report and must be capable of sound attenuation to mitigate the effects of high noise. In addition, all activity associated with the use must be shown to take place within an enclosed building. An acoustical engineer must demonstrate that the proposed use is noise insulated to an interior noise level of an Ldn of 45 or less. (Ord. No. 9781, §1, 10/28/02; Ord. No. 9967, §2, 7/1/04; Ord No. 10073, §1, 10/25/04)

5. Prohibited Uses. Within NCD-70, the following uses are prohibited.
 - a. Day Care.
 - b. Educational Use: Elementary and Secondary Schools.

2.8.5.7 Applicability. Sections 2.8.5.7, 2.8.5.8, 2.8.5.9 and 2.8.5.10 apply to the DMAFB Environs. Where more than one (1) district or zone is applicable to a property, the requirements of all applicable districts or zones apply. Where requirements conflict, the most restrictive applies. The provisions of the Airport Environs Zone (AEZ) apply to the following on all property located within the DMAFB Environs boundaries established by Sec. 2.8.5.2. B. For property partially within the AEZ, the provisions apply to only those portions within the boundaries of the AEZ. For areas outside the city limits, which have not been annexed by the City, the AEZ overlay provisions apply upon annexation.

A. New Development.

1. For property located within the zones and districts ADC-1, ADC-2, ADC-3, NCD-A and NCD-B, the provisions established by Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs and Section 2.8.5.9, Noise Control Districts for DMAFB Environs will apply on January 1, 2005.

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- B. Changes, Expansions and Additions to Use of Existing Development. The following provisions will apply on January 1, 2005.
1. For a change of use of an existing structure, the provisions of Section 2.8.5.8, Approach-Departure Corridors for DMAFB Environs, applies to the entire existing structure if it results in an increase in the number of employees.
 2. The noise attenuation requirements and performance criteria established by Section 2.8.5.9, Noise Control Districts for DMAFB Environs, applies to the entire existing structure if the use of the existing structure is changed to one or more allowed uses requiring sound attenuation.
 3. Dwelling units existing within the AEZ on January 1, 2005 may expand or reconstruct provided that the new construction conforms to AEZ requirements.
- C. Nothing contained in this Section affects existing property or the right to its continued use for the purpose legally used at the time these regulations become effective, nor do these regulations affect any reasonable repairs to, or alterations of, buildings or property used for such existing purposes.
- D. Nothing in these provisions shall preclude the renovation of existing structures.
- E. Proposed expansion of a nonconforming use or structure is subject to the provisions of Section 5.3.6.2.B.
- F. Owners of property within the DMAFB Environs and in the vicinity of the military airport should be aware that Arizona Revised Statutes (A.R.S.), Title 28, and A.R.S., Title 32, contain provisions which may apply to some properties regulated under this Section. The provisions require property owners to inform potential purchasers, lessees, and renters that a property is in an airport zoning district. Nothing herein shall require any notice be provided by property owners that would be in addition to the requirements provided by state law.
- G. The land uses permitted are those permitted by the underlying zone, except as restricted by Sections 2.8.5.8 and 2.8.5.9.

2.8.5.8 Approach Departure Corridors (ADC) for DMAFB. The land use regulation within the ADCs are as follows.

- A. ADC-1
1. Performance Criteria. The following Performance Criteria applies to ADC-1
 - a. No more than thirty (30) employees per acre of site area.
 - b. The minimum project site area is three (3) acres.
 - c. The maximum FAR is .50 of the project site area.
 2. Prohibited Land Uses. The following land uses are prohibited in ADC-1
 - a. Civic Use Group
 1. Civic Assembly- Outdoor and Indoor
 2. Cultural Use

- 3. Religious Use
- 4. Educational Use
- b. Commercial Services Use Group
 - 1. Administrative and Professional Offices
 - 2. Alcoholic Beverage Service
 - 3. Day Care
 - 4. Entertainment – Outdoor & Indoor
 - 5. Food Service
 - 6. Medical Services
 - 7. Personal Service
 - 8. Transportation Service – Air Carrier
 - 9. Travelers Accommodation-Campsite
 - 10. Travelers Accommodation-Lodging
- c. Industrial Use Group
 - 1. Hazardous Material Manufacturing
- d. Recreational Use Group
 - 1. Neighborhood Recreation
 - 2. Recreation
- e. Residential Use Group
- f. Restricted Adult Activities Use Group
- g. Retail Trade Use Group
- h. Storage Use Group
 - 1. Hazardous Material Storage
- i. Wholesaling Use Group
 - 1. Hazardous Material Wholesaling
- 3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-1 under certain circumstances.

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- a. Land uses in the Commercial Services Use Group and Retail Trade Use Group are permitted in ADC-1 only if the property was zoned RCV, NC, C-1, C-2, C-3, C-3, P or RV prior to January 1, 2005. (Rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).
 - b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group are permitted on property zoned P-I, I-1 or I-2 in ADC-1 only if a protected development right plan was approved by Mayor and Council specifically for such use prior to June 30, 2005.
 - c. Developments that are not in conformance with the performance criteria of 2.8.5.8. A. are permitted only if a protected development right plan, was approved by Mayor and Council specifically for such development prior to June 30, 2005.
 - d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, or R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from these zones to zones which provide for allowed uses in ADC-1 is encouraged).
 1. Flexible Lot Development (FLD) as described in Sec. 3.6.1 is not permitted. (Ord. No. 10636, §11, 2/24/09)
 2. Residential development is limited to a density of not more than (1) dwelling unit per acre.
 - e. Parcels less than the minimum size required in ADC-1 and recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 A. 1., 2., and 3.
 - f. Individual parcels of less than three (3) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at least three (3) acres. The City must be a party for notification purposes to the covenants.
 - g. Non-contiguous parcels located within ADC-1 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through Special Exception process as specified in Section 2.8.5.10 A.

B. ADC-2

1. Performance Criteria. The following Performance Criteria applies to ADC-2
 - a. No more than twenty (20) employees per acre of site area at any time may be accommodated by intention, design, or in fact.
 - b. The minimum project site area is five (5) acres.
 - c. The maximum FAR is .30 of the project site area.
2. Prohibited Land Uses. The following land uses are prohibited in ADC-2
 - a. Civic Use Group
 1. Civic Assembly- Outdoor and Indoor

- 2. Cultural Use
- 3. Religious Use
- 4. Educational Use
- b. Commercial Services Use Group
 - 1. Administrative and Professional Offices
 - 2. Alcoholic Beverage Service
 - 3. Day Care
 - 4. Entertainment – Outdoor and Indoor
 - 5. Food Service
 - 6. Medical Services
 - 7. Personal Service
 - 8. Transportation Service – Air Carrier
 - 9. Travelers Accommodation-Campsite
 - 10. Travelers Accommodation-Lodging
- c. Industrial Use Group
 - 1. Hazardous Material Manufacturing
- d. Recreational Use Group
 - 1. Neighborhood Recreation
 - 2. Recreation
- e. Residential Use Group
- f. Restricted Adult Activities Use Group
- g. Retail Trade Use Group
- h. Storage Use Group
 - 1. Hazardous Material Storage
- i. Wholesaling Use Group
 - 1. Hazardous Material Wholesaling
- 3. Exceptions. The following provisions allow for exceptions to Prohibited Land Uses in ADC-2 under certain circumstances.

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- a. Land uses in the Commercial Services Use Group and Retail Trade Use Group are permitted in ADC-2 only if the property was zoned RCV, NC, C-1, C-2, C-3, C-3, P or RV prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).
 - b. Land uses in the Commercial Services Use Group and the Retail Trade Use Group are permitted in P-I, I-1 or I-2 in ADC-2 only if a protected development right plan was approved by Mayor and Council specifically for such use prior to June 30, 2005.
 - c. Developments that are not in conformance with the performance criteria of 2.8.5.7. B. 1. are permitted only if a protected development right plan, was approved by Mayor and Council specifically for such development prior to June 30, 2005.
 - d. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADC-2 is encouraged).
 1. Flexible Lot Development (FLD) as described in Sec. 3.6.1 is not permitted. (Ord. No. 10636, §11, 2/24/09)
 2. Residential development is limited to a density of not more than (1) dwelling unit per acre.
 - e. Parcels less than the minimum size required in ADC-2, recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 B. 1., 2., and 3.
 - f. Individual parcels of less than five (5) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at least five (5) acres. The City must be a party for notification purposes to the covenants.
 - g. Non-contiguous parcels located within ADC-2 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through Special Exception process as specified in Section 2.8.5.10 A.

C. ADC-3

1. Performance Criteria. The following Performance Criteria applies to ADC-3.
 - a. The maximum FAR is .40 of the project site area for land uses in the Industrial, Wholesaling and Storage land use groups.
 - b. The maximum FAR for all other non-residential land use groups is .20 of the project site area.
 - c. The minimum project site area is five (5) acres.
 - d. The maximum building height is sixty-two (62) feet from design grade elevation.
 - e. Any meeting space and function areas where people gather in excess of 5,000 square feet in area will be located underground.
2. Prohibited Land Uses. The following land uses are prohibited in ADC-3.

- a. Civic Use Group
 - 1. Education Use, Elementary and Secondary Schools
 - b. Commercial Use Group
 - 1. Day Care
 - 2. Medical Service, Major and Extended Care
 - c. Industrial Use Group
 - 1. Hazardous Material Manufacturing
 - d. Residential Use Group
 - e. Storage Use Group
 - 1. Hazardous Material Storage
 - f. Wholesaling Use Group
 - 1. Hazardous Material Wholesaling
 - g. Landfills or facilities providing services that are critical for public health and safety, such as fire protection, police communications, sewage and water treatment or storage are not permitted.
3. Exceptions. The following provisions allow for exceptions to Prohibited Uses in ADC-3 under certain circumstances.
- a. Developments that are not in conformance with the performance criteria of 2.8.5.8., Approach Departure Corridors (ADC) for DMAFB are permitted only if a protected development right plan was approved by Mayor and Council specifically for such development prior to June 30, 2005.
 - b. Single Family dwelling units are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005. (Rezoning from the previously mentioned zones to zones which provide for allowed uses in ADCs is encouraged).
 - 1. Flexible Lot Development (FLD) as described in Sec. 3.6.1 is not permitted. (Ord. No. 10636, §11, 2/24/09)
 - 2. Residential development is limited to a density of not more than (1) dwelling unit per acre.
 - c. Parcels, less than the minimum size required in ADC-3 and recorded prior to January 1, 2005 may be developed in conformance with all other requirements specified in Section 2.8.5.8 C., 1., 2., and 3.
 - d. Individual parcels of less than five (5) acres may be separately owned provided each such parcel is part of a development plan and covenants provided in this subsection which encompasses at least five (5) acres. The City must be a party for notification purposes to the covenants.

- e. Non-contiguous parcels located within ADC-3 may be included within a single plat or development plan for the purpose of determining employee limits, floor area ratios and other performance criteria provided there are recorded covenants requiring conformance with the approved plat or development plan in the form approved by the DSD Director. Non-contiguous parcels that do not meet the above criteria may be considered through Special Exception process as specified in Section 2.8.5.10 A.

2.8.5.9 Noise Control District for DMAFB Environs.

A. NCD-A – 65-70 Ldn

1. Performance Criteria. The following Performance Criteria applies to NCD-A

- a. Within Noise Control District A (NCD-A), the following uses must be sound attenuated, to reduce the interior noise level by twenty-five (25) decibels, to 40-45 Ldn, per Development Standard 9-05.0.

- 1. All site-built residential uses.
- 2. All places of public accommodation.
- 3. All Administrative and Professional Offices.

A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-A, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level by 25 decibels per Development Standard 9-05.0.

2. Prohibited Uses. The following land uses are not permitted within NCD-A.

- a. Civic Use Group.

- 1. Civil Assembly – Outdoor
- 2. Educational Use – Elementary and Secondary

- b. Commercial Use

- 1. Day Care
- 2. Medical Services – Major and Extended Care
- 3. Entertainment – Outdoor

- c. Residential Use Group

3. Exceptions. The following provision allow for exceptions to Prohibited Land Uses in NCD-A under certain circumstances.

- a. Single Family dwellings are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 and MH-2 and such zone was in place prior to January 1, 2005.

B. NCD-B - 70+ Ldn

1. Performance Criteria. The following Performance Criteria applies to NCD-B

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- a. Within Noise Control District B (NCD-B), the following uses must be provided with sound attenuation to reduce the interior noise level by twenty-five (25) decibels per Development Standard 9-05.0.
 1. All site-built residential uses.
 2. All places of public accommodation.
 3. All Administrative and Professional Offices.
 - b. A manufactured housing unit will not be considered equivalent to a single-family dwelling within the boundaries of NCD-B, unless located on a property zoned MH-1 or MH-2 or unless it can be demonstrated that the unit provides sound attenuation to reduce the interior noise level by 25 decibels per Development Standard 9-05.0.
2. Prohibited Uses. The following uses are not permitted within NCD-B.
 - a. Civic Uses Group
 1. Cemetery
 2. Civic Assembly – Outdoor
 3. Cultural Use
 4. Educational Use
 5. Religious
 - b. Commercial Use
 1. Day Care
 2. Medical Services – Major and Extended Care
 3. Entertainment – Indoor and Outdoor
 - c. Residential Use Group
 3. Exceptions. The following provision allows for exceptions to Prohibited Land Uses in NCD-B under certain circumstances.
 - a. Single Family dwellings are permitted only if the property is zoned IR, RH, SR, RX-1, RX-2, R-1, R-2, R-3, MH-1 or MH-2 and such zone was in place prior to January 1, 2005.

(Ord. No. 10073, §1, 10/25/04)

2.8.5.10 Special Exception Land Uses.

- A. All developments that are proposed to exceed the limits of Performance Criteria established in Section 2.8.5.8., A, B. and C, must be approved as Special Exception Land Uses upon application, review, and approval in accordance with Sec. 23A-40, Limited Notice Procedure. These applications will be analyzed for: 1) land use compatibility with base operations, 2) proximity to the end of the runway, 3) location in relationship to major flight tracks, and 4) compliance with the intent of the DM Joint Land Use Study.

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In addition to the notice required for Special Exception Land Use applications, the Davis-Monthan Air Force Base will be notified of all such applications within the boundaries of the DMAFB Environs.

(Ord. No. 9781, §1, 10/28/02; Ord. No. 10073, §1, 10/25/04)

2.8.5.11 Airport Hazard Districts for TIA and DMAFB Environs. No structure, use of land, or tree may exceed the height limitations by the Airport Hazard Districts within the Airport Environs Zone (AEZ). Refer to official maps established. Certain uses are prohibited from these districts as noted below and as determined by the Federal Aviation Administration (FAA).

A. The Airport Hazard Districts are identified on the Airport Environs Zone (AEZ) Maps and are established as follows.

1. *Tucson International Airport.* The height limits around Tucson International Airport are based on distances away from established ends of runways. The M.S.L. elevations of the established ends of runways are as follows.

- a. NE end of runway 21 is 2,567 feet M.S.L.
- b. SW end of runway 3 is 2,561 feet M.S.L.
- c. NW end of runway 11L is 2,575 feet M.S.L.
- d. SE end of runway 29R is 2,641 feet M.S.L.
- e. NW end of runway 11R is 2,583 feet M.S.L.
- f. SE end of runway 29L is 2,660 feet M.S.L.

2. *Davis-Monthan Air Force Base.* The height limits around Davis-Monthan Air Force Base are based on distances away from established ends of runways and also on a conical or inclined surface extending outward and upward from the established runway elevation at a ratio of 60:1. The established ends of runway M.S.L. elevations are as follows.

- a. NW end of the NW/SE runway is 2,590 M.S.L.
- b. SE end of the NW/SE runway is 2,705 M.S.L.

B. *Height Measurement.* The height of a building, structure, or tree is measured from the M.S.L. elevation at the end of the runway to a point specified in Sec. 3.2.7 or to the highest point of a tree. (*See Illustration 2.8.5.7.11 B.*)

Height of a building, structure or tree is measured from the msl elevation at the end of the runway to a point specified in sec. 3.2.7 or to the highest point of a tree.



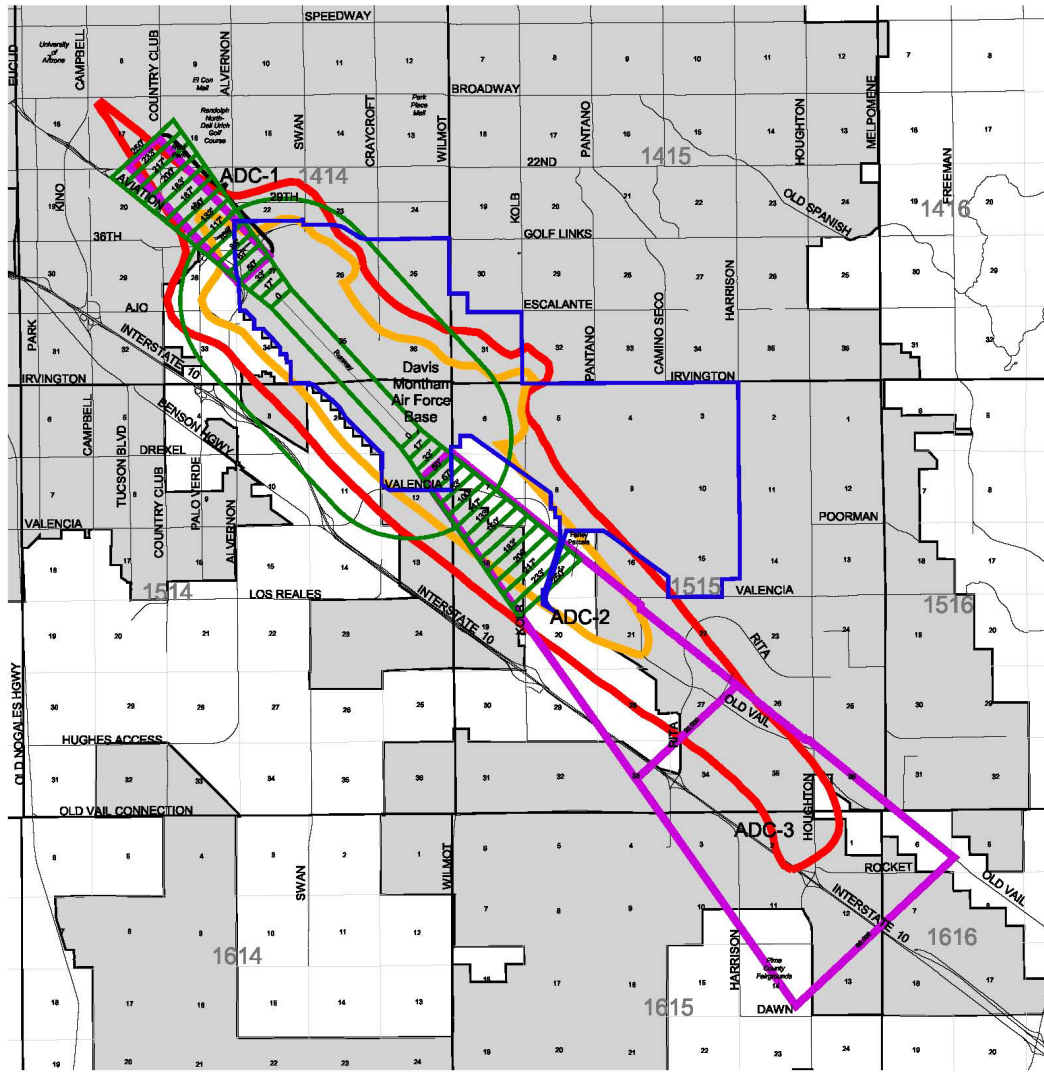
**2.8.5.11.B Height Measurement in
Airport Hazard Districts**

- C. **Conflicts in Heights.** Where two (2) or more height restrictions are placed on a parcel, the more restrictive height limit prevails. Height limit exceptions noted in Sec. 3.2.7.3 do not apply within the Airport Environs Zone (AEZ).
- D. **Prohibited Uses.** Airport hazards as defined in Sec. 6.2.1 are prohibited within the boundaries of the Airport Hazard Districts.
- E. **Variances.** Variances from the provisions of Sec. 2.8.5.1 are allowed as set forth in the provisions established by Arizona Revised Statutes (ARS), Title 28. (Ord. No. 9781, §1, 10/28/02)

(Ord. No. 10073, §1, 10/25/04)

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Sec. 2.8.5.11



Davis Monthan Airport
 Environs Zone

- Legend
- █ Airport Hazard District (Height Zones)
 - █ ADC's
 - █ 65 Noise Contour (NCD-A)
 - █ 70 Noise Contour (NCD-B)
 - █ Davis Monthan Boundary
 - City of Tucson



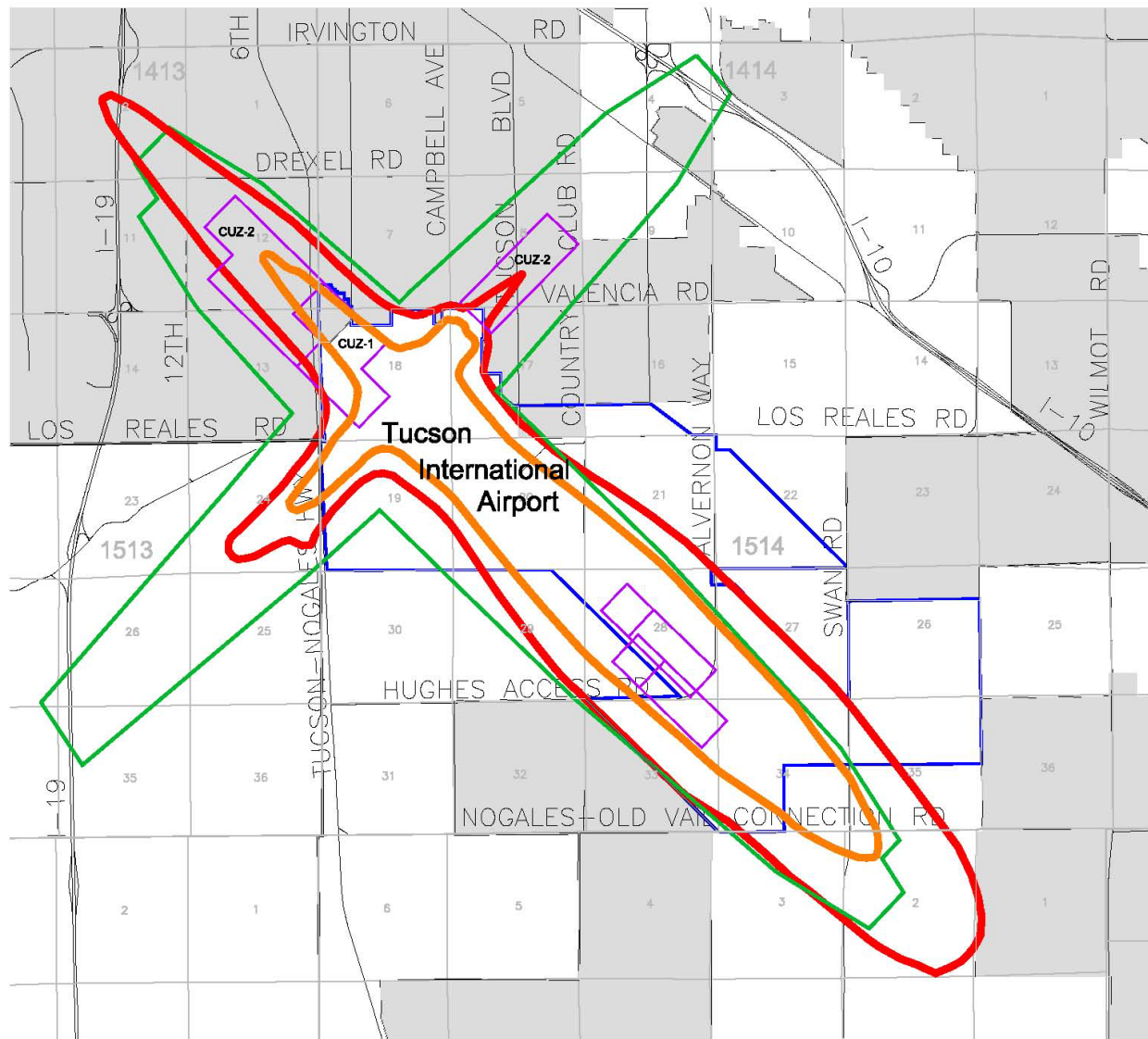
Map

2.8.5.2-I AEZ Base
 Map

MAPS ORIGINALLY ADOPTED BY THE MAYOR AND COUNCIL,
 APRIL 16, 1990, BY ORDINANCE NO. 7399.

AMENDED JANUARY 26, 1991, BY ORDINANCE NO. 7557
 AMENDED APRIL 27, 1992, BY ORDINANCE NO. 7805
 AMENDED OCTOBER 28, 2002, BY ORDINANCE NO. 9781

AMENDED OCTOBER 25, 2004, BY ORDINANCE NO. 10073



TIA Airport Environs Zone

- Legend**
- TIA Boundary
 - Airport Hazard District (AHD)
 - 65 Noise Contour (NCD-65)
 - 70 Noise Contour (NCD-70)
 - Compatibility Use Zones (CUZ)
 - City of Tucson



Map 2.8.5.2-II TIA Base Map

(Ord. No. 10073, §1, 10/25/04)

2.8.6 ENVIRONMENTAL RESOURCE ZONE (ERZ).

- 2.8.6.1 Purpose. These regulations are intended to recognize the value of Tucson's natural open space resources, particularly the critical and sensitive wildlife habitat of eastern Pima County associated with public monuments, forests, and preserves. These regulations relate to areas associated with Tucson's public lands and preserves, including Saguaro National Park, Coronado National Forest, and Tucson Mountain Park. It is the intent of these regulations to protect valuable habitat resources to the greatest extent possible. Development, compatible with these public resources, is allowed.

This overlay zone specifically serves to:

- A. Recognize the social, economic, environmental, biologic, and cultural importance of Saguaro National Park and Tucson Mountain Park to the city of Tucson.
- B. Buffer Saguaro National Park and Tucson Mountain Park from the impacts of new development by allowing development which is compatible with preservation of critical wildlife habitat and the Park environs.
- C. Conserve certain designated washes which extend from the Parks as areas of natural and scenic resources and provide valuable wildlife habitat.
- D. Complement the City of Tucson Interim Watercourse Improvement Policy which provides for flood control, erosion mitigation, and groundwater recharge through the preservation of designated washes in natural and undisturbed states.
- E. Assist in implementing the *General Plan* policies which call for the preservation of Tucson's significant natural areas along designated watercourses where identified in adopted area and neighborhood plans. (Ord. No. 9517, §2, 2/12/01)

2.8.6.2 Applicability.

- A. *Areas Mapped.* Parcels which may contain critical riparian habitat are shown on a series of maps approved by the Mayor and Council called the Environmental Resource Zone Overlay Maps (ERZ Maps) which are an exhibit to this ordinance incorporated herein by reference and kept on file in the Development Services Department (DSD). ERZ Maps will include all parcels along the subject washes which may contain riparian habitat, including those parcels that are not vacant. These maps are based on the Critical and Sensitive Wildlife Habitat Map which the Mayor and Council adopted by Resolution #15149. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)
- B. *Resource Corridors.* Critical riparian habitat is associated with resource corridors along the following washes and their tributaries, which are shown on the Environmental Resource Zone Overlay Maps (ERZ Maps): 1) Agua Caliente; 2) Ajo; 3) Anklam; 4) Camino de Oeste; 5) Coronado Ridge; 6) Cuprite; 7) Enchanted Hills; 8) Escalante; 9) Este; 10) Fagan; 11) Flato; 12) Franco; 13) Greasewood; 14) Julian; 15) North Fork Airport; 16) Petty Ranch; 17) Race Track; 18) Reyes; 19) Rincon Creek; 20) San Juan; 21) Silvercroft; 22) South Fork Airport; 23) Summit; 24) Tanque Verde Creek; 25) Thomas Sousa; 26) portions of the West Branch of the Santa Cruz; and 27) West Speedway (Painted Hills). (Ord. No. 8423, §3, 12/12/94; Ord. No. 8625, §1, 1/2/96; Ord. No. 8659, §1, 3/4/96; Ord. No. 8839, §1, 3/17/97; Ord. No. 8868, §1, 5/5/97; Ord. No. 9615, §2, 10/1/01)
- C. *New Development.* New development which occurs on parcels or proposed subdivisions which include property designated as ERZ wash will be reviewed for compliance with these regulations in accordance with the DSD – Full Notice Procedure, Sec.23A-50 and 23A-51. (Ord. No. 9967, §2, 7/1/04)
- D. *Designation, amendment and change of boundaries for ERZ washes.* Designations of new areas subject to this section and changes to existing designations shall be in conformance with the Zoning Examiner Legislative Procedures, Sec. [5.4.1](#) and [5.4.3](#). For designation of new area within the City, the proposed designation shall be reviewed by the Stormwater Advisory Committee (SAC) and Stormwater Technical

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Advisory Committee (STAC) prior to the public hearing before the Zoning Examiner. The recommendations of the SAC and STAC shall be forwarded to the Zoning Examiner prior to the public hearing. (Ord. No. 9967, §2, 7/1/04)

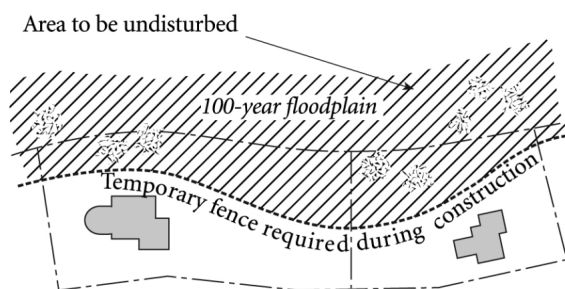
- E. *Approved Subdivisions.* Where a recorded plat shown on the Environmental Resource Zone Overlay Maps (ERZ Maps) is resubdivided, it must comply with these regulations.
- F. *Annexation.* As annexation occurs, additional resource corridors or extensions of resource corridors may be added to the Environmental Resource Zone Overlay Maps (ERZ Maps).

2.8.6.3 Exceptions. These regulations do not apply to the following.

- A. Any single-family residence or other development existing as of July 3, 1990, or any expansion of up to twenty-five (25) percent of either an existing residence or other development.
- B. Any lot or parcel to be developed with one (1) single-family residence where all development and the residence and any accessory structures are located outside of the critical riparian habitat area.
- C. Any subdivision which was recorded prior to August 3, 1990, as long as:
 - 1. Substantial construction occurs within five (5) years after August 3, 1990, and
 - 2. Construction occurs in accordance with the approved plat.
- D. Where these regulations affect a parcel which is also subject to the Hillside Development Zone (HDZ) regulations, these regulations do not apply as long as there is no encroachment into the one hundred (100) year floodplain.

2.8.6.4 Review and Approval Required. Two (2) options are available for development under these regulations.

- A. *No Encroachment in Floodplain.* Where the owner of a lot or parcel affected by these regulations chooses to leave the one hundred (100) year floodplain undisturbed, the Environmental Resource Zone (ERZ) does not apply except that temporary fencing will be placed between the project site and the floodplain area as provided in Sec. 2.8.6.6.B; where permitted by the floodplain ordinance, development in this floodplain area is allowed as provided in Sec. 2.8.6.6. (*See Illustration 2.8.6.4.A.*) (Ord. No. 9138, §1, 10/5/98)



2.8.6.4 .A No Encroachment in Floodplain (ERZ)

- B. *Study of Resource Corridor.* Where the owner of a lot or parcel affected by these regulations chooses to do a study of the resource corridor, a development submittal containing the following information is provided in accordance with the DSD – Full Notice Procedure, Sec. 23A-50 and 23A-51. All applications under this subsection shall also be reviewed by the Stormwater Advisory Committee (SAC), which shall

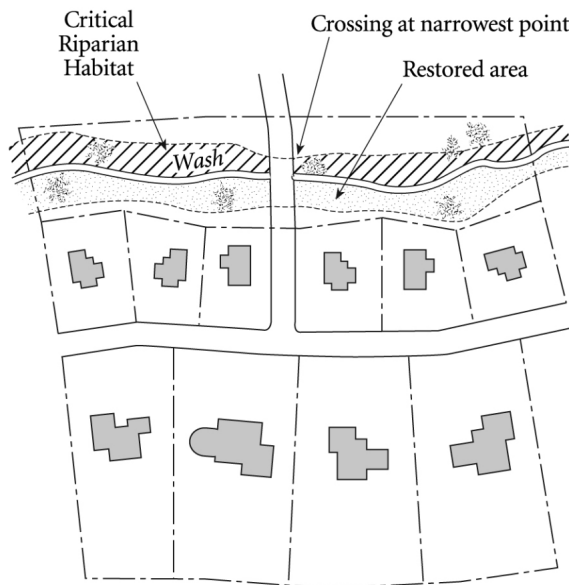
make recommendations on the application to the DSD Director. (Ord. No. 9392, §1, 5/22/00; (Ord. No. 9967, §2, 7/1/04)

1. Submittal material will include an Environmental Resource Report as established in Development Standard 9-06.0. This Report presents a study of the resource corridor and documents locations of the resource corridor and critical riparian habitat. (Ord. No. 9967, §2, 7/1/04)
2. If preservation of the critical riparian habitat cannot be accomplished as provided in these regulations, the submittal will include a mitigation plan as required in Sec. 2.8.6.5.D.
3. Permits for grubbing, grading, construction, or any other improvements will not be issued until all applicable requirements of Sec. 2.8.6.5 and Sec. 2.8.6.6 are met.

2.8.6.5 Development Regulations.

- A. *Preservation of Critical Riparian Habitat.* Preservation of one hundred (100) percent of critical riparian habitat areas within the resource corridors for parcels shown on the Environmental Resource Zone Overlay Maps (ERZ Maps) is required, except as provided in Sec. 2.8.6.4 and Sec. 2.8.6.6. The critical riparian habitat area may be included as part of any required open space on the site.
- B. *Residential Development.* Residential development of four (4) or more dwelling units is allowed only as provided in Sec. 3.6.1, Flexible Lot Development (FLD), except as provided in Sec. 2.8.6.3.B. Use of the FLD provides for the maximum amount of critical riparian habitat preservation while preserving density options. (Ord. No. 10636, §11, 2/24/09)
- C. *Nonresidential Development.* Nonresidential development is allowed based on underlying zoning.
- D. *Mitigation Plan.* Where preservation of the critical riparian habitat area cannot be accomplished as provided in these regulations, the owner is required to submit a mitigation plan, which will be reviewed in accordance with the DSD – Full Notice Procedure, Sec. 23A-50 and 23A-51, containing the following. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)
 1. A statement of findings as to why one hundred (100) percent preservation of the critical riparian habitat area cannot be accomplished.
 2. The plan will document the specific impact of the development on existing critical riparian habitat areas within the resource corridor.
 3. The mitigation plan will present the techniques considered to lessen the impacts of the development on the critical riparian habitat areas. The techniques employed by the development project should protect remaining critical riparian habitat and restore critical riparian habitat areas disturbed during construction. This may be done through clustering development away from substantial amounts of critical riparian habitat, enhancement of degraded critical riparian habitat areas through revegetation or restoration, or other means appropriate to the type of project. (*See Illustration 2.8.6.5.D.3.*)

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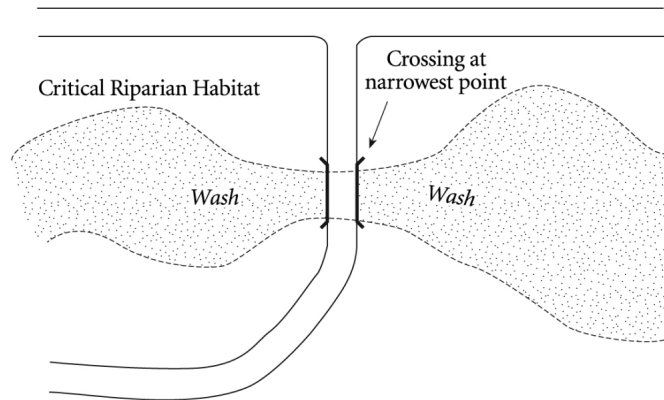
2.8.6.5.D.3 Mitigation Options

4. The plan will provide for one hundred (100) percent restoration of the critical riparian habitat area disturbed during construction as detailed in Sec. 2.8.6.6.A.6, Sec. 2.8.6.6.A.7, and Sec. 2.8.6.6.A.8.
 5. In reviewing the statement of findings and the mitigation plan, such factors as the amount, quality, and predisturbance condition of the critical riparian habitat within the resource corridor; the contiguity of the critical riparian habitat; the presence of any endangered species; the upstream or downstream characteristics of the designated wash; the alternatives to the layout and design of the project; and any other pertinent factors relating to the proposed development or the critical riparian habitat that may be provided by the owner and the reviewing parties will be taken into consideration. (Ord. No. 9138, §1, 10/5/98; Ord. No. 9392, §1, 5/22/00)
- E. *Temporary Fencing Required.* No grubbing, grading, or construction will occur on a project site which includes areas designated to be retained in a natural state, until those designated areas are temporarily fenced.
- F. *Inspection of Fencing.* All temporary fencing will be field inspected before any construction on the site begins. Fencing will be removed only on completion of construction. (Ord. No. 9392, §1, 5/22/00)

2.8.6.6 Standards for Roadway/Utility Encroachment.

- A. *Standards.* The following standards are required as part of the mitigation plan, where applicable. They are also required for any allowed encroachment into critical riparian habitat areas. Encroachment which may be allowed is limited to utilities, roadway improvements, walkways, or bike paths. (Ord. No. 9138, §1, 10/5/98)
1. Roadway, bike path, and walkway improvements and utility encroachments into critical riparian habitat areas will be limited and approved only if there are no other alternatives in the design of the project. Where allowed, roadway, bike path, and walkway improvements and utility encroachments will cross critical riparian habitat areas, not run parallel to the critical riparian habitat.

2. Where roadway, bike path, and walkway improvements are allowed to encroach into critical riparian habitat areas, they are allowed only at the narrowest point of the critical riparian habitat. (See *Illustration 2.8.6.6.A.2.*)



2.8.6.6.A.2 Riparian Crossing

3. All utilities in critical riparian habitat areas will be located underground; utilities will be placed either along roadway, bike path, or walkway improvements or within approved easements.
 4. Any roadway, bike path, or walkway improvement which impedes the movement of wildlife must be constructed in such a manner as to provide means for safe and accessible passage. Improvements or encroachments into critical riparian habitat areas should be constructed to minimize disruption of vegetation and critical riparian habitat. Where culverts are used, they should be box culverts a minimum of six (6) feet in height.
 5. Where a roadway, walkway, or bike path improvement or utility encroachment occurs within the critical riparian habitat area, revegetation is required for any area disturbed because of such construction.
 6. Revegetation should include plant material salvaged from the site.
 7. Revegetation should recreate the critical riparian habitat through the planting of trees, shrubs, and seed mix native to the site and be equal to the predisturbance plant density, diversity, and volume on the net site.
 8. A maintenance program is required for revegetated/restored or enhanced areas so that plant material is replaced as needed.
- B. *Temporary Fencing Required.* No grubbing, grading, or construction will occur on a project site which includes areas designated to be retained in a natural state until those designated areas are temporarily fenced.
- C. *Inspection of Fencing.* All temporary fencing will be field inspected before any construction on the site begins. Fencing will be removed only on completion of construction. (Ord. No. 9392, §1, 5/22/00)

2.8.6.7 Standards for Fences, Walls, and Exterior Lighting. The following will be reviewed as provided in Sec. 2.8.6.5.

- A. *Fences and Walls.* Neither fences nor walls will be allowed which impede wildlife movement through designated critical riparian habitat areas except for temporary fencing. If barbed wire fencing is used, the bottom and top wire must be barbless; bottom clearance of at least eighteen (18) inches from the ground is required.
- B. *Exterior Lighting.* Lighting sources will be confined to wall-mounted fixtures or standards a maximum of forty-two (42) inches in height, spaced to create pools of light rather than a saturated condition. Neither high-pressure sodium nor mercury vapor lighting will be used. All lighting sources will be shielded to reduce dispersed light.

2.8.6.8 Variances and Appeals.

A. *Variance Requests.*

- 1. The Design Review Board (DRB) shall review all requests for variances from Environmental Resource Zone (ERZ) regulations as provided in Sec. [5.1.8.3.F](#) and shall forward its recommendations to the Board of Adjustment in accordance with the Board of Adjustment Full Notice Procedure, Sec. 23A-50 and Sec. 23A-52. (Ord. No. 9967, §2, 7/1/04)
- 2. If the City Engineer or designee, a notified property owner, or the applicant for the variance requests consideration of stormwater management issues related to the variance, the Stormwater Technical Advisory Committee (STAC) may review the variance request concurrently with the Design Review Board (DRB) and may provide written or oral testimony at the public hearing for the variance request. Any such testimony must address the required findings. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9179, §1, 12/14/98)

B. *Appeals of the DSD Director's Decision.*

- 1. Appeals of the Development Services Department (DSD) Director's decision are reviewed by the Design Review Board (DRB) if the DRB did not review the application prior to the DSD Director's Decision. The DRB will forward a recommendation to the Mayor and Council in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62. (Ord. No. 9392, §1, 5/22/00; Ord. No. 9967, §2, 7/1/04)
- 2. The Mayor and Council shall decide appeals in accordance with the Mayor and Council Appeal Procedure, Sec. 23A-62, based on the record and on any recommendations received from the Design Review Board (DRB). (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9179, §1, 12/14/98)

- C. *Proposed Land Use Code (LUC) Amendments.* The Stormwater Advisory Committee (SAC) may review all proposed amendments to this Section and may provide written conclusions and recommendations to the Director of the Department of Transportation to be forwarded to the Planning Commission and the Mayor and Council prior to public hearings on the proposed amendments. (Ord. No. 9374, §1, 4/10/00; Ord. No. 9582, §3, 8/6/01)

2.8.7 RESERVED

2.8.8 "H" HISTORIC PRESERVATION ZONE (HPZ).

2.8.8.1 Purpose. The purpose of this zone is to promote the educational, cultural, economic, and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation and rehabilitation of historic districts, historic sites and structures, and archaeological resources. This zone is intended to ensure the retention of early structures and to keep them in active use and in their original appearance, setting, and placement. It is also intended that new or remodeled structures, located within historic districts, be designed and constructed to harmonize with structures located within the immediate vicinity, in order to preserve property values, provide for future development, and promote an awareness of the heritage of Tucson among both residents and visitors to the community.

2.8.8.2 Applicability. The Historic Preservation Zone (HPZ) is an overlay zone superimposed over underlying zoning.

- A. The HPZ applies to specifically mapped areas where there is an individual historically important structure, a group of surviving related structures in their original setting, or an archaeological site which gives a historic dimension to the city. A list of established historic districts and Historic Landmarks is published as Development Standard 9-03.0 and is updated by the Department of Urban Planning and Design based on Mayor and Council action. Demolition requests in pending historic districts are subject to the requirements of Sec. 2.8.8.12. To identify each of the HPZ historic districts or Historic Landmarks on the City of Tucson Zoning Maps, the preface "H" is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes HR-1. (Ord. No. 9967, §2, 7/1/04)
- B. The designation, amendment and change to boundaries of a historic district are established by the Mayor and Council in accordance with Sec. 2.8.8.3 and the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9967, §2, 7/1/04)

2.8.8.3 Establishment and Amendment to Historic Districts.

- A. *Criteria for Establishing and Amending Historic Districts.* In determining if an area, neighborhood, or district shall be established as a historic district, whether boundaries of an existing district shall be changed or the district dissolved the following criteria shall be examined.
 - 1. A historic district shall include historic sites or structures, as defined in Sec. 6.2.8.
 - 2. A historic district should include a group of related sites, buildings, and structures in their original setting which contribute to an understanding of the heritage of the community.
 - 3. The group of structures, buildings, or sites should provide the area with a sense of uniqueness, and it should be readily distinguishable from other areas of the community.
 - 4. There should be a sufficient number of structures of related or similar characteristics to make a recognizable entity.
- B. *Preliminary Assessment.* A preliminary assessment of the proposed historic district or Historic Landmark shall be provided to the DSD Director for review and recommendation to the Mayor and Council. The preliminary assessment should include the boundaries, a summary of the resources in the proposed historic district, evidence that a proposed district has historic significance, and a list of proposed advisory board members.

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C. *Proposed Historic District or Historic Landmark.*

1. An area may be proposed for historic district designation or amendment by any of the following.
 - a. The Mayor and Council.
 - b. The property owners of fifty-one (51) percent or more of the land area of the proposed historic district. (For calculation only, one owner per property.)
 - c. Sixty-five (65) percent or more of the property owners within the proposed historic district. (For calculation only, one owner per property.)
2. A property may be proposed for designation as a Historic Landmark, Contributing Property, or Noncontributing Property by any of the following.
 - a. The Mayor and Council.
 - b. The owner of the proposed Historic Landmark, Contributing Property, or Noncontributing Property if it is a single property or any of the owners if more than one property.
 - c. The Tucson-Pima County Historical Commission.

D. *Initiation.* The request to establish or amend a historic district or Historic Landmark is forwarded to the Tucson-Pima County Historical Commission for review and recommendation to the Mayor and Council. The Mayor and Council make a decision to initiate the establishment or amendment of a historic district or Historic Landmark. An amendment to the designation of properties within an established historic district does not require initiation by the Mayor and Council.

1. *Neighborhood Meeting.* Prior to requesting consideration by the Mayor and Council, the applicant shall offer to meet with all owners of and residents on property within the proposed district. This meeting may satisfy the requirement for a neighborhood meeting in *LUC* Sec. 5.4.1.B, provided the offer to meet shall be no more than one year before the Zoning Examiner public hearing.
2. *Public Meeting.* Requests to initiate the consideration of establishing or amending a historic district or Historic Landmark will be considered by the Mayor and Council in a public meeting.
3. *Decision.* The Mayor and Council make the decision on whether or not to initiate the process to consider the establishment of, or amendment to, a historic district or Historic Landmark. As part of the decision to initiate, the Mayor and Council shall determine the proposed boundaries of the historic district or Historic Landmark and appoint a historic district advisory board for the proposed historic district to assist in the evaluation. Appointment, terms, and qualifications of the advisory board shall be in accordance with Sec. 5.1.10.
4. *Notice of Decision.* A Notice of Decision is provided by the City Clerk.
5. *Expiration of Initiation.* The initiation by the Mayor and Council of the establishment of, or amendment to, a historic district or Historic Landmark shall expire five (5) years from the date the Mayor and Council make the decision to initiate.

E. *Historic Property Survey, Inventory and Development Standards.* Should the Mayor and Council initiate the establishment, amendment, or designation process, the following shall be accomplished by the advisory board and the Tucson-Pima County Historical Commission.

1. Survey and Inventory for a Proposed Historic District. It is the responsibility of the applicant and advisory board to prepare a cultural resources survey and inventory of the area initiated by the Mayor and Council for consideration. The survey and inventory shall identify historic sites and structures within the proposed boundaries by listing and on a map. The applicant and advisory board shall consult with staff during the survey and inventory process.
 2. Survey and Inventory of a Proposed Historic Landmark. It is the responsibility of the applicant to prepare a cultural survey and inventory for review by staff and recommendation to the Mayor and Council. The applicant shall consult with staff during the survey and inventory process.
 3. Initial Design Development Standards. It is the responsibility of the applicant and advisory board to prepare the initial development standard designating the design criteria and standards for the proposed historic district. The initial development standards shall be submitted to the Mayor and Council with the survey and inventory. The applicant shall consult with staff during the preparation of the initial design development standards.
 4. Acceptance. Staff will review the survey and inventory information and accept or reject the application within fourteen (14) days of submittal.
- F. *Change of Zoning.* Upon acceptance of the survey and inventory information by the DSD Department, the application shall be processed through the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#). The Mayor and Council decision on the change of zoning may include the designation of sites or structures as Contributing, Non-Contributing or Intrusive, the designation of historic landmarks and the boundaries of the historic district. In addition to the published and mailed notice, posted notice shall be provided at a minimum of three locations within the proposed district.
- G. *Dissolution of a Historic District.* A Historic District may be dissolved through the Zoning Examiner Legislative Procedure, Sec. [5.4.1](#) and Sec. [5.4.3](#).

(Ord. No. 9967, §2, 7/1/04)

2.8.8.4 Permitted Uses. The land uses permitted within the HPZ are as follows.

- A. *Uses Permitted by the Underlying Zoning.* Those uses permitted by the underlying zoning and reasonably accommodated within existing structures without altering the historic nature or significance of the structure.
- B. *Retail Sales by Resident Artisans.* Retail sales by resident artisans may be permitted notwithstanding limitations of the underlying zoning regulations. A resident artisan use requires review and approval by the Development Services Department Director in accordance with the Limited Notice Procedure, Sec. 23A-40. A resident artisan use may be allowed as a secondary use to a principal residential use per the criteria listed below. (Ord. No. 9967, §2, 7/1/04)
1. The resident artisan use applies only to the applicant's use and the premises for which approval was sought.
 2. Retail sales are limited to goods produced on the premises by an artisan residing on the premises limited to the following.
 - a. Fine and commercial art, sculpture, and writing.
 - b. Crafts, including ceramics, metal, wood, jewelry, leather, weaving, antique repair, and custom furniture.

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- c. Photography.
 - d. Similar activities as may be approved by the Development Services Department Director. (Ord. No. 9967, §2, 7/1/04)
3. The exterior appearance of the existing structure is not altered for the purposes of the nonresidential use.
 4. A sign shall identify only the resident artisan or residence and conform to the requirements of the HPZ and the Sign Code, Chapter 3 of the Tucson Code, except that the size of the sign is limited to one and one-half (1½) square feet in area.
 5. Storage, parking, and working areas are screened in conformance with Sec. [3.7.0](#), Landscaping and Screening Regulations, with materials compatible with those in the historic district as approved by the Development Services Department Director. (Ord. No. 9967, §2, 7/1/04)
 6. The resident artisan use occupies no more than twenty-five (25) percent of the floor area of the site, nor is there exterior display, activity, or advertisement of products or services.
 7. No more than one (1) nonresident is employed on the premises.
 8. The activity does not create traffic, parking, noise, odors, waste materials, electrical interference, or any other negative impact which would adversely affect the character of the historic district.
 9. Only products or services produced on site may be sold from the premises.

2.8.8.5 Development Review Required.

- A. *Generally.* Review and approval, of all properties, buildings, signs, and structures within the HPZ, are required for all development and improvements, including new construction or improvements which do not require building permits. All reviews are based on development criteria per Sec. 2.8.8.6. Prior to the submittal of a proposal, the applicant should consult with the applicable historic district advisory board and refer to the Secretary of the Interior's Standards for Rehabilitation.

Required review in the HPZ consists of two (2) distinct processes. Most new construction and improvements are reviewed through the complete HPZ review process per Sec. 2.8.8.5.B. Some new construction and improvements which are minor in nature are reviewed through a review process called a Minor Review per Sec. 2.8.8.5.C.

- B. *Full HPZ Review.* Approval is required in accordance with the DSD Full Notice Procedure, Sec. 23A-50 and 23A-51, for the following. Staff shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal. (Ord. No. 9967, §2, 7/1/04)
1. Grading or the erection or construction of a new structure.
 2. A permit for any alteration involving the modification, addition, or moving of any part of an existing structure, including signs, which would affect the exterior appearance, except as provided in Sec. 2.8.8.5.C.

3. Repairs or new construction as provided for in Sec. 2.8.8.5.C that the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the complete HPZ review process. (Ord. No. 9967, §2, 7/1/04)
4. The construction or enlargement of a parking lot within a historic district or on a property containing a Historic Landmark.

C. *Minor HPZ Review.* Approval is required in accordance with the Administrative Design Procedure, Minor Design Review, Sec. 23A-32(2), for the following, including development or improvements which do not require a building permit. Staff shall consult with a representative of the appropriate advisory board and the Tucson-Pima County Historical Commission in deciding whether a proposed project conforms to the development criteria for the historic district. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Minor HPZ review application for the purpose of determining notice and the right to appeal the decision. (Ord. No. 9967, §2, 7/1/04)

1. Minor or necessary repairs to a structure provided that:
 - a. The total cost of such improvement is under one thousand five hundred dollars (\$1,500.00), except for the replacement cost of appliances and mechanical equipment; and
 - b. The repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
2. Emergency repairs provided that the repairs involve replacement with materials of identical or historically accurate design, size, and color to those being replaced.
3. The change in copy of a sign.
4. Any alteration, which does not require a permit, involving the modification, addition, or moving of any part of an existing structure that would affect the exterior appearance. Alterations include, but are not limited to, fences and walls, except those alterations which the Development Services Department Director determines must be approved under the full review process due to the cumulative effect of phased work which would normally be subject to the applicability of the HPZ review. (Ord. No. 9967, §2, 7/1/04)

2.8.8.6 Development Criteria. The historic district advisory boards, Tucson-Pima County Historical Commission, staff, Development Services Department Director, and Mayor and Council shall be guided by the development criteria in this Section in evaluating all proposed development applications within the HPZ. (Ord. No. 9967, §2, 7/1/04)

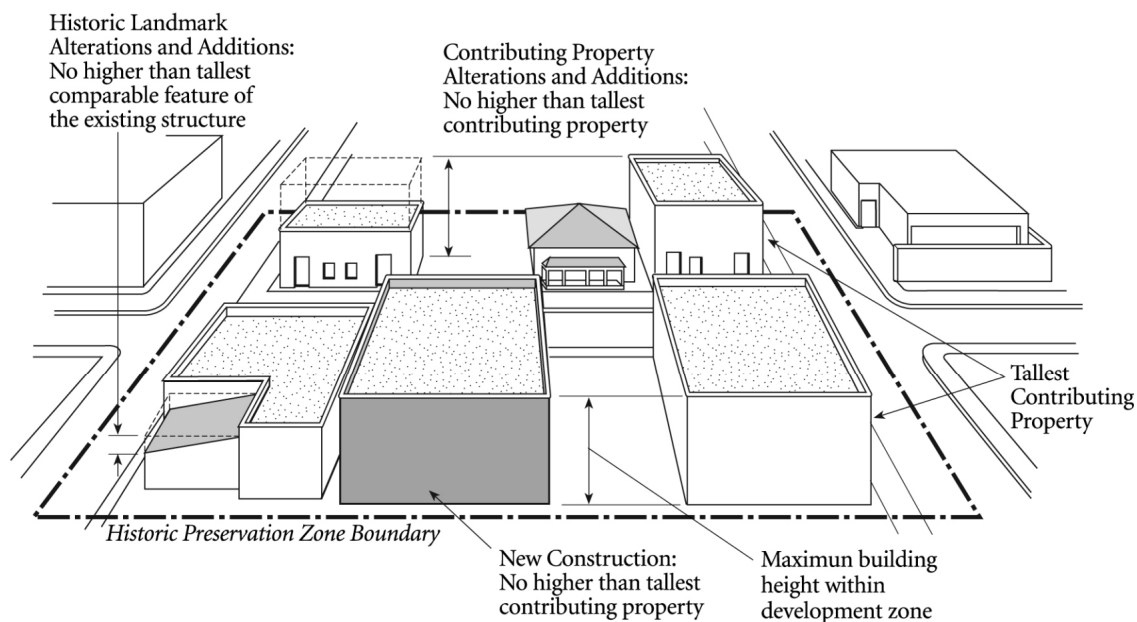
All proposed development within the HPZ shall be in compliance with the following criteria.

A. *Generally.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall properly preserve the historic and architectural characteristics which make it unique, and any changes or additions shall conform to the intrinsic and unique character of the building or structure itself. Any alterations to the interior of a publicly owned Historic Landmark shall be reviewed. The applicant should refer to the Secretary of the Interior's Standards for Rehabilitation when tax certification for rehabilitation work is contemplated.

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2. *Contributing Property.* Alterations or additions to a Contributing Property within a historic district shall reflect the architectural style and characteristics of the existing structure. The property may be renovated to an earlier historic style that applied to the property. In addition, such alterations or additions shall generally conform to the development criteria of Contributing Properties within the development zone of the site.
 3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property within a historic district shall reflect the architectural style of, and be compatible with, the Contributing Properties located within its development zone.
- B. *Height.* For the purposes of development zone compatibility, heights of principal structures shall be used to compare to proposed new construction of, or additions to, principal structures; accessory structure height is compared to other accessory structure heights. (See Illustration 2.8.8.6.B.)
1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall be no higher than the tallest comparable feature of the existing structure.
 2. *Contributing Property.* Alterations or additions to a Contributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.
 3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall be constructed no higher than the tallest Contributing Property located within its development zone and shall generally conform to the typical height within the development zone.

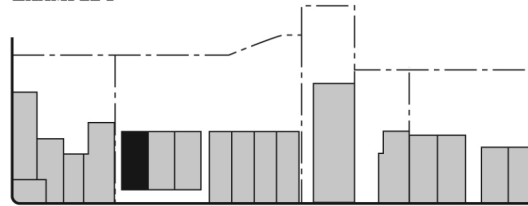


2.8.8.6.B Height Compatibility

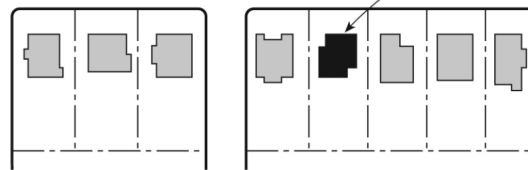
- C. *Setbacks.* (See Illustration 2.8.8.6.C.)

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall maintain the original front setback of the existing structure or the prevailing setback existing within its development zone, providing that such a setback is compatible with the historic character of the existing structure. Interior perimeter yard setbacks shall be consistent with those existing within the development zone.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall maintain the prevailing street and interior perimeter yard setbacks existing within its development zone.

EXAMPLE 1



EXAMPLE 2



New construction, alterations and additions shall maintain prevailing interior and perimeter yard setbacks

2.8.8.6.C Prevailing Setbacks

D. *Proportion.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall reflect the proportions of the existing structure.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall be consistent with the proportions of the existing structure and with the prevailing proportions of Contributing Properties within its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the prevailing proportions of Contributing Properties within its development zone.

E. *Roof Types.*

1. *Historic Landmark.* Alterations or additions to a Historic Landmark shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.
2. *Contributing Property.* Alterations or additions to a Contributing Property shall have a roof compatible in configuration, mass, and materials to that of the architectural style of the existing structure.

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3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have a roof compatible in configuration, mass, and materials to the prevailing historic style and period of the existing structures within the development zone in which the proposed structure will be constructed.

F. *Surface Texture.*

1. *Historic Landmark.* Surface texture of alterations or additions to a Historic Landmark shall be appropriate to the historic style of the existing structure and the period in which it was constructed.
2. *Contributing Property.* Surface texture of alterations or additions to a Contributing Property shall be appropriate to the historic style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have a surface texture which is appropriate to the historic style of similar structures within the development zone and will reflect the historic periods existing within the historic district.

G. *Site Utilization.*

1. *Historic Landmark.* Site utilization of a Historic Landmark shall be appropriate to the historic period in which the existing structure was built.
2. *Contributing Property.* Site utilization of alterations or additions to a Contributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.
3. *New Construction or Noncontributing Property.* Site utilization of new construction or alterations or additions to a Noncontributing Property shall be consistent with the site utilization of Contributing Properties within the development zone.

H. *Projections and Recessions.*

1. *Historic Landmark.* Projections and recessions of a Historic Landmark, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure and the historic period in which it was built.
2. *Contributing Property.* Projections and recessions of a Contributing Property, such as porches, steps, awnings, overhangs, entrances, and windows, shall be appropriate to the style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have projections and recessions, such as porches, steps, awnings, overhangs, entrances, and windows, that are compatible with the existing historic styles within the development zone and reflect the historic periods of the historic district.

I. *Details.*

1. *Historic Landmark.* Architectural details of a Historic Landmark, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure and the historic period in which it was built.

2. *Contributing Property.* Architectural details of a Contributing Property, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, shall be appropriate to the historic style of the existing structure.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have architectural details, such as cornices, lintels, arches, grill work, shutters, window and door trim, and canales, that are compatible with the existing historic styles and historic periods of Contributing Properties within the development zone.

J. *Building Form.*

1. *Historic Landmark.* Size, mass, and scale of alterations or additions to a Historic Landmark shall be compatible with those of the existing structure.
2. *Contributing Property.* Size, mass, and scale of alterations or additions to a Contributing Property shall be compatible with the existing structure and with the Contributing Properties within the development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall have size, mass, and scale that are compatible with the existing Contributing Properties within the development zone.

K. *Rhythm.*

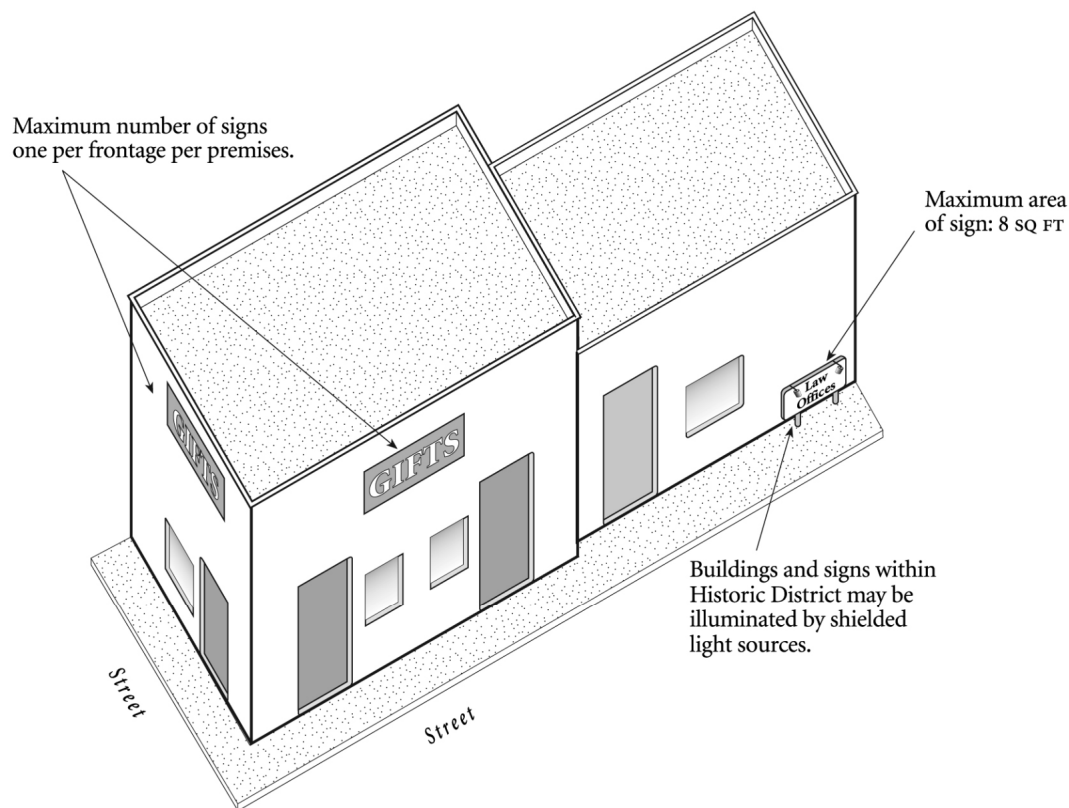
1. *Historic Landmark.* The proportion, pattern, and rhythm of openings of additions or alterations to a Historic Landmark shall be compatible with those of the existing structure.
2. *Contributing Property.* The proportion, pattern, and rhythm of openings of additions or alterations to a Contributing Property shall be compatible with those of the existing structure and with those of Contributing Properties in its development zone.
3. *New Construction or Noncontributing Property.* New construction or alterations or additions to a Noncontributing Property shall reflect the proportion, pattern, and rhythm of openings of Contributing Properties in its development zone.

L. *Additional Review Criteria.* To provide flexibility in the review of applications which reflect the diverse and unique characteristics of the various historic districts, other pertinent factors generally affecting the appearance, harmony, and efficient functioning of the historic district may be used as appropriate for the particular application, such as the following.

1. *Color.* Color of a building or structure, including trim, roof, and other details, shall be appropriate to the architectural style of the subject structure and its historic period. Color may be reviewed in the context of a required HPZ review; painting alone shall not be considered through an HPZ review.
2. *Landscaping.* Plantings and other ornamental features shall reflect the historic period of the subject structure. Landscaping may be reviewed in the context of a required HPZ review; landscaping alone shall not be considered through an HPZ review.
3. *Enclosures.* Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject structure and with Contributing Properties within the development zone and shall reflect the historic period of the historic district.

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4. *Utilities.* New aboveground power and telephone line installation and new utility connections shall be reviewed for appropriateness and compatibility, especially the use of electric utility boxes on front facades.
- M. *Signs.* The appearance, color, size, position, method of attachment, texture of materials, and design of signs within a historic district shall be in keeping with the collective characteristics of the structures located within the appropriate development zone. Signs allowed in the underlying land use zone are further regulated by Chapter 3, Signs, of the Tucson Code. The signs allowed in the underlying land use zone are further limited as follows. (*See Illustration 2.8.8.6.M.*)
1. Off-site signs shall not be permitted.
 2. Business signs shall be limited to one (1) sign only for each street frontage per premises. Businesses having frontage on more than two (2) streets shall be allowed a total of three (3) signs. Freestanding signs shall be limited to one (1) sign per premises.
 3. The maximum area of a sign shall be eight (8) square feet.
 4. No sign may extend above the top of the nearest facade, eaves, or fire wall of a building or structure.
 5. Design and materials of signs. Visible bulbs, not exceeding twenty (20) watts per bulb, shall be allowed. Bulbs within fixtures are not limited in wattage. Neon tubing may be allowed on commercially zoned properties, where historically appropriate. Clear plexiglas and acrylic, when used as a substitute for glass, shall be allowed; otherwise, plastics shall not be allowed. Luminous paints are not allowed.
 6. Buildings and signs within the historic district may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
 7. The applicant may apply for a variance from these requirements where it can be shown that the proposed sign is consistent with the purpose and intent of the historic district and is historically authentic. (Ord. No. 9179, §1, 12/14/98)



2.8.8.6.M Signs

- N. *Motor Vehicle and Bicycle Parking Areas.* Parking spaces as required by this Code shall be provided on or off the site on a property within the boundaries of a zone that allows for parking as a principal use. Off-site parking spaces for uses within the HPZ shall not be located more than six hundred (600) feet, within the same or another block, from the land use the spaces serve, except within the boundaries of the El Presidio Historic District where required parking spaces may be provided not more than six hundred (600) feet beyond the historic district boundary. All new or modified vehicular use areas within the historic district shall be screened as required by Sec. [3.7.0](#), Landscaping and Screening Regulations, using compatible structural and plant materials. (See *Illustration 2.8.8.6.N.*)

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Required parking for uses located within the boundaries of the El Presidio Historic District may be provided not more than 600 ft beyond the historic district boundary, on properties zoned to allow parking.

2.8.8.6.N Parking Areas

- 2.8.8.7 Demolition Review Required. It is the intent of this Section to preserve the historic and architectural resources within the HPZ and the Rio Nuevo and Downtown Zone (RND) in their original appearance, setting, and placement. Demolition of a historic property can cause an irreplaceable loss to the quality and character of the city of Tucson. However, it is recognized that there can be circumstances beyond the control of a property owner which may result in the necessary demolition of a structure within the HPZ or RND. These circumstances include a building which constitutes an imminent safety hazard, involves a resource whose loss does not diminish or adversely affect the integrity of the historic district, or imposes an unreasonable economic hardship on its owners. A proposed change of use shall not be considered in the analysis of unreasonable economic hardship. (Ord. No. 9967, §2, 7/1/04)
- A. *Preapplication.* A preapplication conference to determine which review process and what submittal requirements apply is encouraged.
- B. *Review and Approval Required.* No demolition permit will be issued by the City for demolition or relocation of all or any part of a structure, site, sign, or Historic Landmark which would affect its exterior appearance within the HPZ before review and approval occurs. Review is required under the following procedures.
1. *Emergency Demolition.* If the structure has been determined by the Chief Building Official to be an imminent hazard to public safety and repairs would be impractical, emergency demolition procedures to be followed will be in accordance with the requirements for such sites and structures of Chapter 6 of the Tucson Code. Refer to Development Standard 4-01.0 for information on these procedures.
 2. *Intrusions and noncontributing, nonhistoric structures.* For structures designated as intrusions or noncontributing, nonhistoric properties in historic districts, the DSD Director shall consult with the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the structure is properly classified at the time of the request for demolition. If the structure is an intrusion or noncontributing, nonhistoric, no further review shall be required. If the Director determines that the structure has not been properly designated, the Director may delay the issuance of the permit until the proper designation is determined by the Zoning Administrator or may proceed with the appropriate review process as if the designation had been changed. (Ord. No. 9967, §2, 7/1/04)
 3. *Contributing Properties, Nonhistoric.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission is required before a decision is made by the Development Services Department Director. The procedure for review shall be in accordance with the Limited Notice Procedure, Sec. 23A-40. The appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee shall be parties of record for each Full HPZ review application for the purpose of determining notice and the right to appeal the decision. The criteria used to make this decision shall be as follows. (Ord. No. 9967, §2, 7/1/04)
 - a. The structure or site is of no historic or architectural value or significance and does not contribute to the historic value of the property.
 - b. Loss of the structure would not adversely affect the integrity of the historic district or the historic, architectural, or aesthetic relationship to adjacent properties, and its demolition would be inconsequential to the historic preservation needs of the area.
 - c. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historic, archaeological, social, aesthetic, or environmental character of the surrounding area as well as the economic impact of the new development.

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- d. Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.
- 4. *Historic Contributing Properties and Historic Landmarks.* Review by staff, the applicable historic district advisory board, and the Tucson-Pima County Historical Commission Plans Review Subcommittee is required before a decision is made by the Mayor and Council in accordance with Sec. 2.8.8.9. (Ord. No. 9967, §2, 7/1/04)
- 5. *Independent Portions of Structures.* A request may be made for the demolition of a portion of a structure if the demolition will not adversely affect the historical character of the property. For portions that may be independently designated as intrusions or noncontributing, nonhistoric elements, the DSD Director shall consult with the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to insure that the portion of the structure has been properly classified and that demolition will not have any adverse impact on the contributing or historic character of the property. If the portion of a structure is designated under this section as an intrusion or nonhistoric element, no further review shall be required. At least four (4) days prior to issuance of a demolition permit, the Director shall notify the applicant, the appropriate advisory board and the Tucson-Pima County Historical Commission Plans Review Subcommittee of the decision. A decision by the Director may be appealed by the advisory board or the Tucson-Pima County Historical Commission Plans Review Subcommittee to the Zoning Examiner within three (3) days of the date of the decision. (Ord. No. 9967, §2, 7/1/04)

2.8.8.8 Maintenance.

- A. Maintenance of historic resources is important for property owners to maintain property values and for the cultural and aesthetic value to the community. Maintaining historic structures and sites preserves the special sense of place that encourages tourism and further investment in historic areas.
- B. All historic resources shall be preserved against decay and deterioration and kept in a state of good repair and free from certain structural defects. The purpose of this Section is to prevent an owner or other person having legal custody and control over a property from facilitating the demolition of a historic resource by neglecting it or permitting damage to it by weather or vandalism.
- C. Consistent with all other state and City codes requiring that buildings and structures be kept in good repair, the owner or other person having legal custody and control over a property shall maintain such buildings or structures in the same or better condition than that indicated in the most recently available inventory for the historic district in which the property is located. The following defects are indicators of a need for repair.
 - 1. Building elements are in a condition that they may fall and injure members of the general public or damage other property.
 - 2. Deteriorated or inadequate foundation.
 - 3. Defective or deteriorated flooring.
 - 4. Walls, partitions, or other vertical support members that split, lean, list, or buckle due to defective material or deterioration.
 - 5. Ceilings, roofs, ceiling and roof support members, or other horizontal members which sag, split, or buckle due to defective materials or deterioration.
 - 6. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration.
 - 7. Deteriorated, crumbling, or loose exterior plaster.

8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
 9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
 10. Any fault, defect, or deterioration in the building which renders the same structurally unsafe or not properly watertight.
- D. If the Tucson-Pima County Historical Commission has reason to believe that a property is being neglected and subject to damage from weather or vandalism, the Tucson-Pima County Historical Commission shall so advise City staff. Staff will meet with the owner or other person having legal custody and control of the property and discuss ways to improve the condition of the property and shall assist those persons with an economic hardship in obtaining financial resources to accomplish such improvements. If there is no subsequent attempt, or insufficient effort is made, to correct any noted conditions after such meeting by the owner or other such person having legal custody and control, the Tucson-Pima County Historical Commission may make a formal request that the Chief Building Official take action to require corrections of defects in the subject building or structure so such building or structure shall be preserved in accordance with the purposes of this Section. The Chief Building Official may also require the property owner to remedy any defect or deterioration which constitutes a threat to the public health, safety, and welfare pursuant to the authority vested in him by the Uniform Code for the Abatement of Dangerous Buildings.

Deterioration caused by deliberate neglect of maintenance or repairs shall not be considered valid grounds for the approval of a demolition permit application.

- E. Vacant properties shall be maintained in a clean and orderly state.

2.8.8.9 Demolition of Historic Properties, Landmarks and Structures. Approval for the demolition of historic landmarks, demolition of structures on Contributing Historic Properties in historic districts and demolition of structures registered on, the National Register of Historic Places or the Arizona Register of Historic Places in the Rio Nuevo and Downtown Zone (RND) shall be determined by Mayor and Council. The criterion used to make this decision shall be that the owner of the structure would be subject to unreasonable economic hardship if the building were not demolished. The procedure for approval shall be as follows.

- A. *Application.* Submittal of an application shall be in accordance with Development Standard 9-08.2.5.
- B. *Unreasonable Economic Hardship.* When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that reasonable use of the property cannot be made. The public benefits obtained from retaining the historic resource must be analyzed and duly considered by the DSD Director, the applicable advisory board, and the Tucson-Pima County Historical Commission. The owner shall submit the following information by affidavit to the DSD Director for transmittal to the review bodies for evaluation and recommendation.
1. For all property:
 - a. The assessed value of the land and improvements thereon according to the two (2) most recent assessments.
 - b. Real estate taxes for the previous two (2) years.
 - c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance.

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- d. Annual debt service, if any, for the previous two (2) years.
 - e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, insuring, or ownership of property.
 - f. Any listing of the property for sale or rent, price asked, and offers received, if any.
 - g. Any consideration by the owner as to profitable adaptive uses for the property.
 - h. The current fair market value of the property as determined by at least two (2) independent appraisals.
 - i. An estimate of rehabilitation cost to restore the structure to active use.
 - j. Exceptions. When a property owner is financially unable to meet the requirements set forth in this subsection, the DSD Director may waive some or all of the requirements and/or request substitute information that a property owner may obtain without incurring any costs. An applicant may request a waiver of one or more of the submittal requirements based on the specific nature of the case. The DSD Director, who may consult with the Tucson-Pima County Historical Commission, shall make a determination on the waiver request. If a determination cannot be made based on information submitted and an appraisal has not been provided, the DSD Director shall request that an appraisal be made by the City.
2. In addition to the requirements in subsection 1 above, owners of income-producing property shall submit the following.
- a. Annual gross income from the property for the previous two (2) years.
 - b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
 - c. Annual cash flow, if any, for the previous two (2) years.
 - d. Proof that efforts have been made by the owner to obtain a reasonable return on investment based on previous service.

C. Negotiations Prior to Decisions on Demolition Applications.

- 1. Whenever an application for a permit for the demolition or relocation of a Historic Landmark or historic Contributing Property is submitted to the DSD Director, the application shall be scheduled for public hearing before the Mayor and Council not sooner than ninety (90) days from the date the application is accepted. During this time period, City staff shall discuss the proposed demolition with the property owner and other City officials to see if an alternative to demolition can be found before a formal consideration of the application by the Mayor and Council. The DSD Director shall analyze alternatives to demolition and request, from other City departments or agencies, information necessary for this analysis.
- 2. If within this ninety (90) day period either one (1) of the following two (2) events occurs, the Mayor and Council may defer hearing the application for six (6) months, and it shall be considered to have been withdrawn by the applicant during such six (6) month period.

- a. The owner shall enter into a binding contract for the sale of the property.
 - b. The City of Tucson shall acquire the property by available legal process for rehabilitation or reuse by the City or other disposition with appropriate preservation restrictions.
3. If within the ninety (90) day period neither of the two (2) events summarized above has occurred, a public hearing shall be scheduled before the Mayor and Council on the demolition application on the next available agenda.
- D. **Review of Application.** The Tucson-Pima County Historical Commission and the historic district advisory board review demolition applications. Staff, within five (5) days after acceptance of the application, transmits one (1) copy of the accepted site plan to the appropriate historic district advisory board and one (1) copy to the Tucson-Pima County Historical Commission Plans Review Subcommittee for review and recommendation. The historic district advisory board may forward a recommendation to the Tucson-Pima County Historical Commission and the DSD Director within twenty-two (22) days after acceptance of the application. The Tucson-Pima County Historical Commission shall forward a recommendation to the DSD Director and the historic district advisory board within thirty-one (31) days after acceptance of the application.
- E. **Recommendations.** The recommendations of the DSD Director, the Tucson-Pima County Historical Commission, and the appropriate advisory board shall be forwarded to the Mayor and Council for consideration.
- F. **Mayor and Council Consideration.** The Mayor and Council consider the application in public hearing. Public Notice, mailed notice and published notice shall be by provided not less than fifteen (15) days prior to the public hearing. Additional Mailed Notice shall be provided to the property owners within three hundred (300) feet of the site, neighborhood associations within one mile of the site, the applicable advisory board, and the Tucson-Pima County Historical Commission.
- G. **Mayor and Council Decision.** The Mayor and Council shall make a decision on an application to demolish a Historic Landmark or historic Contributing Property. To approve the application, the Mayor and Council must find that the owner will suffer an unreasonable economic hardship if a demolition permit is not approved. Any approval is subject to the following.
1. The applicant must seek approval of replacement plans prior to receiving a demolition permit and all other necessary permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations, site plans, and dimensional schematic design drawings which shall meet be reviewed in accordance with the Administrative Design Review Procedure—Minor Design Review Procedure, Development Compliance Review, Sec. 23A-32(2).
 2. A demolition permit will be issued concurrently with the building permit for replacement following submittal by the applicant of proof of financial ability to complete the replacement project.
 3. A decision on a demolition application results in the administrative closure of the case file by staff. A decision on a demolition application applies to the property.
 4. Reapplication for demolition permits for a structure which was previously denied for demolition cannot be submitted to the City for three (3) years from the date of the Mayor and Council decision. A change in property ownership shall not be considered a basis for reapplication. Substantially new conditions, as determined by the DSD Director in consultation with the advisory board and the Tucson-Pima County Historical Commission, are a basis for earlier reapplication.
- H. **Provisions for Vacant Lots and Areas After Demolition.**

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1. When a site, sign, Historic Landmark, or structure is demolished and the area left vacant, the area will be maintained in a clean and inoffensive manner.
 2. When a structure is demolished and the area converted to another use not requiring buildings, such as a parking lot, the area will be buffered by landscaping and walls or fences that comply with the landscaping and screening requirements of Sec. [3.7.0](#) and generally conform to the character of the other buildings and structures located within its development zone. The site plan required as part of the review procedure shall indicate how the landscaping and screening will be accomplished.
- I Penalties and Remedies for Unauthorized Demolition; Notice of Entry of Judgment. Any property owner, individual, company, or person, as defined in Tucson Code Section 1-2(16), who causes a structure, site, or Historic Landmark located within a historic district to be demolished, without following procedures as established in this Section, will be subject to the following.
1. A mandatory fine of:
 - a. Not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) per violation for demolition of an accessory structure that is a Noncontributing Property, or Not less than fifteen hundred dollars (\$1,500.00) nor more than twenty-five hundred dollars (\$2,500.00) per violation for demolition of a principal structure or site that is a Noncontributing Property; or
 - b. Not less than two thousand dollars (\$2,000.00) nor more than twenty-five hundred dollars (\$2,500.00) per violation for demolition of a Historic Landmark or Contributing Property.
 2. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, the DSD Director will, upon finalization of judgment:
 - a. Issue a formal complaint with the Arizona State Registrar of Contractors against any contractor or company involved with an unauthorized demolition; and
 - b. Issue a formal notification of the violation to the State Historic Preservation Office regarding the unauthorized demolition of any structure, site, or Historic Landmark.
 3. In addition to any fine imposed pursuant to Sec. 5.4.2.9.J.1, one (1) of the following will be imposed as a penalty or remedy.
 - a. Reconstruction or restoration of a Contributing Property or a Historic Landmark to its appearance prior to the violation.
 - b. Prohibition or restriction of building permits for new construction on the site for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark and prohibition or restriction of permits involving work in the public right-of-way for not more than seven (7) years, but not less than thirty (30) days, for a Noncontributing Property or two (2) years for a Contributing Property or Historic Landmark.
 - c. Upon finalization of judgment setting forth a remedy as provided in 2.8.8.9.J.3.a or Sec. 2.8.8.9.J.3.b, the DSD Director or designate will file the judgment in the office of the Pima County Recorder.
 4. The following factors will be considered in imposing any penalty or remedy pursuant to Sec. 5.4.2.9.J.1 or Sec. 5.4.2.9.J.3.

- a. Whether the structure, site, or Historic Landmark is one of the last remaining examples of its kind in the neighborhood, city, or region.
- b. Whether there exists sufficient documentation, plans, or other data so as to make reconstruction feasible.
- c. The age of the original structure, site, or Historic Landmark and all subsequent additions and modifications.
- d. The physical condition of the structure, site, or Historic Landmark immediately prior to its total or partial demolition.
- e. The amount of demolition sustained by the structure, site, or Historic Landmark.
- f. Whether or not, had total or partial demolition occurred, the structure, site, or Historic Landmark could have been put into a reasonable economic use either prior to or after rehabilitation.
- g. Whether the structure, site, or Historic Landmark was eligible for inclusion on the National Register of Historic Places immediately prior to its total or partial demolition.
- h. Whether the structure, site, or Historic Landmark is included on the National Register of Historic Places.
- i. Whether the responsible party has a legal or equitable interest in the structure, site, or Historic Landmark.

(Ord. No. 9967, §2, 7/1/04)

2.8.8.10 Reserved. (Ord. No. 9967, §2, 7/1/04)

2.8.8.11 Reserved. (Ord. No. 9967, §2, 7/1/04,

2.8.8.12 Pending Historic Districts.

- A. *Purpose.* It is the purpose of this Section to preserve structures of historic or architectural significance, but it is recognized that all areas of significance cannot be identified, analyzed, and designated at one time. However, it is important to protect properties with potentially qualifying buildings from inappropriate demolitions until review and hearings can be completed for possible HPZ designation.
- B. *Applicability.* The following process is established for the review of proposed demolitions of structures which are located in areas of the city where the Mayor and Council have initiated the process of HPZ district formation and imposed interim regulations.
 1. These procedures shall apply to any building or structure that is located within an area of an application for an HPZ district between such time as the Mayor and Council either initiate the establishment of a historic district or enact an ordinance to apply these regulations and the time action is taken on the application by the Mayor and Council, but for no more than one (1) year.
 2. The provisions of this Section apply to all areas of the city under application for HPZ designation on the effective date of this ordinance and to all areas of the city for which applications for HPZ designation are initiated after the effective date of this ordinance.

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3. An application for a demolition permit shall be exempt from these demolition review requirements if the Chief Building Official makes a written determination, and the Development Services Department Director concurs, that the building currently is an imminent hazard to the public safety, is structurally unsound, and should be demolished. (Ord. No. 9967, §2, 7/1/04)
- C. *Review and Decision.* Procedures for review of, and decisions on, applications for demolition permits are the same as those outlined in Sec. 2.8.8.7.B.3.
- D. *Temporary Stay of Demolition.* In the event a demolition application is denied, no permit for demolition shall be issued unless a subsequent demolition approval has been requested and granted or until adoption of historic preservation zoning for the property.
 1. If the historic preservation zoning has not been placed on the property at the time of expiration of the temporary restraint on demolition, the Development Services Department Director shall grant a demolition approval for the subject property. (Ord. No. 9967, §22, 7/1/04)
 2. At the time of adoption of historic preservation zoning, the temporary restraint of demolition and any stays of demolition in effect shall expire. The Development Services Department Director's decision on demolition requests, at that time, shall be regulated by Sec. 2.8.8.7. The demolition request shall be finalized in accordance with the procedures of that Section. (Ord. No. 9967, §22, 7/1/04)

2.8.8.13 Specific Regulations - San Xavier Environs Historic District.

- A. *Purpose.* The purpose of this zone is to promote the public health, safety, convenience, and general welfare through conservation of the historical heritage of the city of Tucson and Pima County by delimiting an area of influence from an established historic site and by providing for certain appropriate controls.
- B. *Applicability.* The specific regulations of the San Xavier Environs Historic District apply to an area extending one and one-half (1.5) miles from San Xavier Mission, which is a historic site. The one and one-half (1.5) mile radius is divided into three areas (A, B, and C) for the purposes of applying specific regulations within each area.
- C. *Development Regulations.* These regulations are in addition to those of the underlying zones, and where in conflict, the more restrictive of the two applies. The additional regulations by area are as follows.
 1. *Area A.* Area A is the area within one (1) mile of the established historic site.

- a. Residential density shall not exceed two (2) dwelling units per thirty-six thousand (36,000) square feet of lot area.
 - b. All outdoor lighting shall be hooded and controlled so that the source of the light shall not be visible from adjoining properties.
 - c. Commercial and industrial uses shall provide planting screens or approved walls on the side or sides oriented toward the historic site no less than six (6) feet in height.
 - d. Regardless of any other regulation, no structure shall exceed two (2) stories (maximum height: thirty [30] feet).
 - e. The requirements of this Section shall not apply to the alteration of another established historic site within Area A.
 - f. The color of all structures shall be earth tones.
2. *Area B.* Area B is the area within one and one-quarter (1.25) mile and one (1) mile of the established historic site.
- a. Residential density of four (4) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.
 - b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.
3. *Area C.* Area C is the area within one and one-half (1.5) mile and one and one-quarter (1.25) mile of the established historic site.
- a. Residential density of six (6) dwelling units per thirty-six thousand (36,000) square feet shall be permitted, provided the underlying zone allows this density.
 - b. Development regulations in accordance with Sec. 2.8.8.13.C.1.b through Sec. 2.8.8.13.C.1.f.
- D. *Review Process.* Review shall be in accordance with Sec. 2.8.8.11.

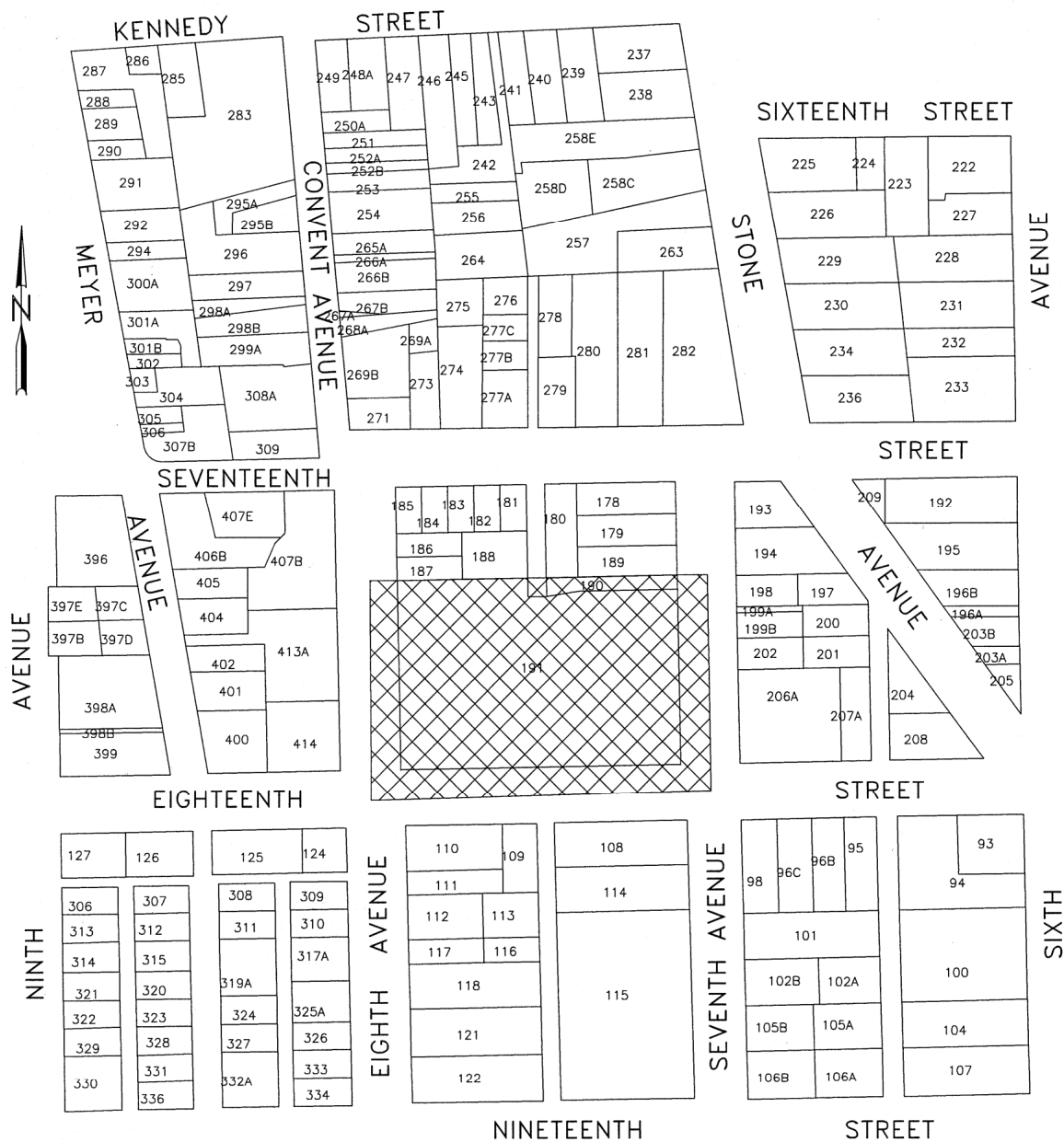
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DRACHMAN SCHOOL OVERLAY (DSO) ZONE

2.8.9 DRACHMAN SCHOOL OVERLAY (DSO) ZONE.

- 2.8.9.1 Introduction. Historically, the Drachman School has existed since 1902 on a parcel comprising lots 5 through 12, Block 120, City of Tucson (Book 2, Maps and Plats, Page 4). The site is bounded by Seventh Avenue, Eighteenth Street, Eighth Avenue (also known as Convent Avenue), and residential development on lots 3 and 4 on the northern portion of Block 120. The school use was established prior to current *Land Use Code (LUC)* requirements, but the site is no longer used as a school. This overlay zone recognizes the benefits to be realized from adaptive reuse of this property and portions of the existing building. Reflection of the historical elements of the school in the redevelopment of the site is also recognized as an important consideration. The purpose of this overlay zone is to ensure the viability of development of the Drachman School site with housing for the elderly, as permitted within the existing R-3 zone, while ensuring that this use does not contribute to the deterioration of the living environment, the downgrading of property values, and the diminishment of the health, safety, and general welfare conditions of the adjacent residential area.
- 2.8.9.2 Purpose. The purpose of the Drachman School Overlay (DSO) Zone is to assure redevelopment of the site with a Residential Care Service facility for the elderly and to protect existing neighborhoods from negative impacts caused by the redevelopment of the historic school site and building through establishing use and site standards to maintain a scale that will be compatible with adjacent residential development.
- 2.8.9.3 Applicability. The provisions of the Drachman School Overlay (DSO) Zone apply to the specifically mapped area bounded by Seventh Avenue, Eighteenth Street, Eighth (or Convent) Avenue, and the southern boundaries of lots 3 and 4, Block 120, City of Tucson, as provided in the following map:

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Sec. 2.8.9.3



**Drachman School
 Overlay (DSO) Zone**

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- 2.8.9.4 Permitted Land Uses. Land in the Drachman School Overlay (DSO) Zone may be used for a Residential Care Service facility for the elderly, as provided in this Section. All other uses permitted in the underlying zone are subject to the regulations and standards of the *Land Use Code (LUC)*.
- A. The DSO Zone is a zoning district which provides for the establishment of distinct regulations by Mayor and Council. The DSO zone may have land use regulations different from the zoning regulations applicable to other zoning districts in the *LUC*.
- B. Where a provision in the DSO zone varies from the *LUC*, the provisions in the DSO zone shall govern.
- 2.8.9.5 Accessory Land Uses. Land uses accessory to the Permitted Land Uses are allowed, subject to compliance with Sec. 3.2.5.
- 2.8.9.6 Height and Setback Requirements. Development in the Drachman School Overlay (DSO) Zone shall comply with the height and setback requirements as follows.
- A. *Height.* The building wall height will be no more than twenty-one (21) feet.
- B. *Setbacks.* Setbacks will be measured from the back of the curb within the adjacent public rights-of-way and will be a minimum of fourteen (14) feet from back of curb. Setbacks from the northern property line will be a minimum of ten (10) feet.
- 2.8.9.7 Design Criteria and Review. Development in the Drachman School Overlay (DSO) Zone shall comply with the design criteria of this Section and shall be subject to site plan review in accordance with Zoning Compliance Review, Sec. 23A-31. (Ord. No. 9967, §2, 7/1/04)
- 2.8.9.8 Parking. Parking for the uses within the Drachman School Overlay (DSO) Zone is as follows. Residential Care Service projects for the elderly - 0.50 space per dwelling unit. Up to fifty (50) percent of the required parking may be located in the adjacent rights-of-way.
- 2.8.9.9 Lighting. Outdoor lighting shall conform to the following.
- A. Lighting shall be shielded and directed downward.
- B. Lighting within one hundred (100) feet of a residential zoning or use shall not exceed fifteen (15) feet in height.
- C. All other lighting on site shall not exceed twenty-five (25) feet in height.
- 2.8.9.10 Landscaping.
- A. *Street Landscape Borders.* A landscape border is required along the street frontage of the site as follows. The street landscape border shall consist of the area between the back of the sidewalk within the adjacent rights-of-way and the face(s) of the building(s) fronting on the street or the projected alignment of the face(s) of the building(s) but will not include any vehicular access points.
1. Sixty (60) percent or more of the street landscape border must be covered with shrubs or vegetative ground cover. The required ground coverage must be achieved within two (2) years of planting.
 2. One (1) canopy tree must be provided for every twenty (20) linear feet of street frontage along Convent Street, Eighteenth Avenue, and Seventh Street, excluding vehicular ingress or egress points.

B. *Interior Landscape Border.* The interior landscape border along the north property line shall consist of the area between the property line and the face(s) of the building(s) adjacent to the property line or the projected alignment of the face(s) of the building(s). Canopy trees will be provided at a minimum ratio of one (1) tree for every thirty (30) linear feet of landscape border.

C. *Screening.*

1. Screening along the adjacent street frontages shall consist of the building faces. Where the buildings are not continuous, no additional screening is required.
2. A six (6) foot high wall shall be provided along the northern boundary of the property.

2.8.9.11 *All Other Development Regulations.* Unless specifically provided in this Section, all other development regulations within the Drachman School Overlay (DSO) Zone are subject to standard *Land Use Code (LUC)* requirements.

(Ord. No. 9574, §1, 6/26/01)

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ARTICLE II. ZONES
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RIO NUEVO AND DOWNTOWN (RND) ZONE

2.8.10 RIO NUEVO AND DOWNTOWN (RND) ZONE.

- 2.8.10.1 Purpose. The purpose of this overlay zone is to implement the policies of the City's *General Plan*, with special emphasis on ensuring the cultural, economic, and general welfare of the community. The Rio Nuevo and Downtown (RND) Zone promotes harmonious development within the zone; creates and enhances the Downtown pedestrian environment; and celebrates Tucson's rich historic, cultural, and artistic heritage. The design principles, categories, and criteria referenced in this Section are intended to promote public-private partnerships to support quality development within the Rio Nuevo District, as well as enliven and revitalize the Downtown. Development within the RND zone shall satisfy the design principles set forth in this Section.

Diversity, Design in Context, and Accessibility are the design principles that form the basis for the specific design criteria to be applied to new projects in the Rio Nuevo and Downtown areas.

Diversity is the incorporation of all of the prehistoric, historic, and cultural elements that make up Tucson's urban form and context. This principle forms the basis for the specific design criteria, including building character and materials, which reflect the indigenous influence of the Sonoran Desert region and culture. The intent of this design principle is not to prescribe architectural style, materials, or form but to encourage innovation in contemporary design.

Design in Context is the recognition that Tucson is a unique desert southwestern city. New buildings should also translate into contemporary form the basic principles that contribute to historic structures and other structures in and around the Site Context - Development Zone, as well as addressing the Regional and Community Context.

Accessibility includes three dimensions. The first is physical mobility for pedestrians, including physically disabled pedestrians, bicycles, transit, and private cars, provided by an efficient and pleasant circulation system. The second is visual, retaining physical amenities such as viewsheds, open space, and visual connections to the mountains and the Santa Cruz River. The third is informational and educational, including access to information and ideas.

- 2.8.10.2 Applicability. The Rio Nuevo and Downtown (RND) Zone is an overlay zone as defined in Sec. 6.2.18. The provisions of the RND zone apply to the following uses on all property, including public or private rights-of-way, any portion of which is located within the RND zone. No permit shall be issued by the City except in accordance with the requirements of this Section.

- A. All new structures, including expansions to existing structures. The remainder of a structure that has been expanded is governed by provisions in force at the time of initial approval for the structure.
- B. All improvements or alterations to the exterior of existing structures, if such improvements or alterations are visible from an adjacent public right-of-way.
- C. All sidewalk and street improvements.
- D. All applications for demolition permits for shall be reviewed in accordance with Sec. 2.8.8.7.B.5. (Ord. No. 9967, §2, 7/1/04)
- E. Designation, amendment and change to the boundaries of the Rio Nuevo and Downtown Zone are established through the Zoning Examiner Legislative Process, Sec. [5.4.1](#) and Sec. [5.4.3](#). (Ord. No. 9967, §2, 7/1/04)

- 2.8.10.3 Permitted Uses. The land uses permitted within this zone are those uses permitted by the underlying zoning, except as restricted in Sec. 2.8.10.6.

- 2.8.10.4 **Design Review.** Applications for projects within the Rio Nuevo and Downtown (RND) Zone shall be reviewed in accordance with the Administrative Design Review Procedures, 23A-32. The application must include a Design Context and Compatibility Report in conformance with Development Standard 9-10.2.0. Applications shall be subject to the following level of review.
- A. *Minor Design Review.* A minor review is required for any modification of, addition to or alteration of an existing structure that would affect the exterior appearance, which does not require a building permit. Work which proposed only color changes to the exterior of the structure shall not be subject to any review.
 - B. *Major Project Design Review.* A major review is required for all new construction and any addition to an existing structure that would affect the exterior appearance, which involves new construction of two thousand (2000) square feet of gross floor area (GFA) or larger in size.
 - C. *Full Design Review.* A full review is required for the following.
 - 1. Any modification to or alteration of an existing structure that would affect the exterior appearance and requires a building permit.
 - 2. All projects requiring a grading permit.
 - 3. All projects which propose constructing or enlarging parking lots.
 - 4. Any addition to an existing structure that does not exceed two thousand (2000) square feet of gross floor area (GFA).
 - 5. Applications which have completed the major review process which shall be reviewed to verify incorporation into the final plans and drawings the preliminary findings and recommendations of the Development Review Board (DRB) rendered in the major review.

(Ord. No. 9967, §2, 7/1/04)

- 2.8.10.5 **Design Criteria.** Development within the Rio Nuevo and Downtown (RND) Zone shall meet the design principles set forth in Sec. 2.8.10.1 by complying with the following Design Criteria (see Development Standards 9-10.0, 10-02.0, 10-03.0, and 10-05.0). (Ord. No. 9967, §2, 7/1/04)
- A. The proposed buildings should respect the scale of those buildings located in the development zone and serve as an orderly transition to a different scale. Building heights with a vastly different scale than those on adjacent properties should have a transition in scale to reduce and mitigate potential impacts. In areas undergoing change, long-range plans should be consulted for guidance as to appropriate heights.
 - B. All new construction shall maintain the prevailing setback existing within its development zone.
 - C. All new construction shall provide scale-defining architectural elements or details at the first two floor levels, such as windows, spandrels, awnings, porticos, cornices, pilasters, columns, and balconies.
 - D. Every commercial building frontage shall provide windows, window displays, or visible activity within and adjacent to the building at the ground floor level, with a minimum of fifty (50) percent of the building frontage providing such features.
 - E. A single plane of a façade at the street level may not be longer than fifty (50) feet without architectural relief or articulation.

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- F. Building façade design shall include pedestrian-scaled, down-shielded, and glare-controlled exterior building and window lighting.
- G. The front doors of all commercial and government buildings shall be visible from the street and visually highlighted by graphics, lighting, marquees, or canopies.
- H. Modifications to the exterior of historic buildings shall complement the overall historic context of the Downtown and respect the architectural integrity of the historic façade.
- I. Buildings shall be designed to shield adjacent buildings and public rights-of-way from reflected heat and glare.
- J. Safe and adequate vehicular parking areas designed to minimize conflicts with pedestrians and bicycles shall be provided.
- K. Adequate shade shall be provided for sidewalks and pedestrian pathways, using shade structures or vegetation, where permitted by the City of Tucson.

2.8.10.6 General Restrictions. The following restrictions apply to all uses and development in this zone.

- A. New drive-in or drive-through facilities are not permitted, except for freeway-oriented businesses, or as approved through the development review process.
- B. For structures on or eligible for designation on the National Register, uses shall be accommodated without altering the historic character-defining features of the structure. (See Development Standard 9-10.0 for a list of all such structures within the Rio Nuevo and Downtown [RND] Zone.) (Ord. No. 9967, §2, 7/1/04)

2.8.10.7 Demolition of Rio Nuevo and Downtown Zone structures. Structures within the RND which are more than forty (40) years old and which are eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall be reviewed in accordance with this section. Structures that are designated as Historic Landmarks shall be reviewed in the same manner as Historic contributing properties. Structures eligible for designation which contribute to the historic character of the RND shall be reviewed in the same manner as contributing, nonhistoric structures. Structures that are forty (40) years old or less, and structures that are determined not to be eligible for, or registered on, the National Register of Historic Places or the Arizona Register of Historic Places, shall not be subject to any further review. (Ord. No. 9967, §2, 7/1/04)

(Ord. No. 9780, §3, 10/14/02)

2.8.10.8 Modification of Development Regulations (MDR). The Development Services Department (DSD) Director may modify the development regulations within the RND in [Article III, Division 1, General Provisions](#), [Division 2, Development Criteria](#), [Division 3, Motor Vehicle & Bicycle Parking Requirements](#), [Division 4, Off-Street Loading](#) and [Division 7, Landscaping and Screening Regulations](#). This process shall be known as the modification of development regulations (MDR).

- A. Approval Procedure. An application for an MDR shall be approved in the following manner:
 - 1. Where the DSD Director determines that the application is for a minor modification that does not significantly effect properties other than those immediately adjacent to the site, the MDR may be approved through the Limited Notice Procedure, Development Compliance Code, Sec. 23A-40. If a protest to the modification is received prior to a decision, or the DSD Director subsequently determines that the application should be treated as a significant modification, the application shall be treated as a request for a modification under Sec. 2.8.10.8.A.2 and considered by the Board of Adjustment; and

2. Where the DSD Director determines that the application is for a modification that significantly effects properties other than those immediately adjacent to the site, or where a protest is received in the course of a Limited Notice Procedure, the MDR may be approved through the Board of Adjustment Full Notice Procedure, Development Compliance Code, Sec. 23A-52. The Board of Adjustment shall determine whether to grant or deny the modification based upon the criteria in this section.
- B. The MDR shall be approved only if it:
1. Has no significant adverse effect, such as those involving noise levels, glare, odors, vibration, illumination, fumes, and vapors, on adjacent property; and
 2. Benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the RND purpose to create high intensity mixed use development and enhancing the pedestrian environment.
- C. In addition to B above, the MDR shall be approved only if it accomplishes at least one of the following:
1. Enhances and improves the appearance of the surrounding area consistent with the RND purpose statement;
 2. Offers design alternatives that significantly improve the integration of the land use, traffic and architectural design consistent with redevelopment of the downtown as the primary regional activity center for finance, culture, government and mixed use development;
 3. Creates visual interest at the pedestrian scale through features that contribute to outdoor activity, provide shade, and improve the appearance of building facades;
 4. Provides for greater resource conservation than the regulation being modified, including providing building energy efficiency, greater use of solar energy, water harvesting and other conservation measures.
- D. In addition to subsection B and C above, an MDR that involves a reduction in parking shall:
1. Demonstrate that the off-street motor vehicle parking proposed in the MDR application will not have an adverse impact on adjacent properties and meets the RND parking objectives; and
 2. Demonstrate how any off-street motor vehicle parking proposed in the MDR application does not burden neighboring residential streets with the traffic it generates.
- E. An MDR cannot increase the density or intensity of uses or alter the applicable zoning requirements for a property established by Article II and the performance criteria established by Article II and the performance criteria established by [Division 5 of Article III](#) of the LUC.

(Ord. No. 10295, §1, 6/27/06)

2.8.11 "N" NEIGHBORHOOD PRESERVATION ZONE (NPZ).

2.8.11.1. Purpose. Preserving and enhancing Tucson's established neighborhoods is critical to conserving the cultural and historic heritage of the city. The purposes of the Neighborhood Preservation Zone (NPZ) are:

- A. to provide a process for the establishment of NPZ districts to preserve, protect and enhance the unique character and historical resources of established city neighborhoods; and
- B. to provide for the creation and establishment of a neighborhood-specific design manual for each NPZ district, containing architectural and design requirements and guidelines to ensure that development is compatible with the neighborhood character overall, as well as with the character of the applicable Development Zone.

2.8.11.2. Definitions.

The following definitions apply to this section.

Compatibility/Compatible: Visual consistency of development by mirroring prevailing dimensions, spatial relationships, and architectural and design characteristics of the neighborhood overall and the Contributing Properties within the Development Zone. The term "compatible" does not mean "repetition or copy of" or "identical to" existing structures within the neighborhood. Compatibility is achieved when a development is designed in a manner that blends in with the character of structures in the Development Zone.

Contributing Property: For the purposes of this section, a building, object, site, or structure that is listed as a contributing property in a designated National Register Historic District or in an Eligibility Assessment document for the district. Under the National Register definition, a contributing property contributes to the historic significance and visual character of a district, and has sufficient integrity to convey that significance and those visual character defining features in terms of location, design, setting, material, workmanship, character, or association.

Design Professional: A registered architect with historic preservation experience employed by or under contract with the City.

Development Zone: The definition of "Development Zone" is as specified in Section 6.2.4 of the LUC.

Neighborhood Character: The combination of various defining characteristics of Contributing Properties and existing development within a Development Zone that creates and conveys the historic significance and visual character of a neighborhood. These characteristics include scale and proportion, architectural style and detail, open spaces, spatial relationships, and landscaping.

2.8.11.3. Applicability.

A. *NPZ Classification*

1. A rezoning to the NPZ is permitted for neighborhoods that are listed on the National Register of Historic Districts, include a National Register Historic District, or are eligible to be listed on the National Register of Historic Districts and have completed a National Historic District Nomination or Eligibility Assessment application.
2. The NPZ is an overlay zone superimposed over the development regulations of the underlying zoning. The land uses permitted within the NPZ district are those permitted by the underlying zoning.

B. *NPZ Design Manual and Compatibility Review Criteria.*

1. Upon the establishment of an NPZ district, requirements of the Design Manual and Compatibility Review Criteria, Section 2.8.11.9.C, apply to all development that:
 - a. is zoned RX-1, RX-2, R-1, R-2, R-3, RH, SR, and SH;
 - b. requires a building permit; and
 - c. is visible from a street that is not classified as an alley, unless the Design Professional makes a written finding that a proposed development's visibility from the street is so minimal as to be immaterial for purposes of the application of this section.
2. The requirements of the Design Manual and Compatibility Review Criteria, Sec. 2.8.11.9.C. do not apply to:
 - a. interior renovations or construction within the interior of a building.
 - b. building maintenance, repairs, or painting or minor building alterations, such as window or door alterations or replacements, or minor additions to an existing residence that do not affect the external appearance of the structure as seen from the street.
 - c. exterior development that is not visible from the street, except the Compatibility Review Criteria Privacy Mitigation Measures, Sec. 2.8.11.9.C.5, apply to any proposed development that exceeds the height of residential structures on adjacent properties.
- C. Where there is a conflict between the requirements of the applicable Historic Preservation Zone (HPZ) and the requirements of the NPZ, the requirements of the HPZ prevail.

2.8.11.4. Establishment or Dissolution of, or Amendment to a Neighborhood Preservation Zone.

- A. An NPZ district is initiated by the Mayor and Council at their sole discretion.
- B. An NPZ district is established, amended, or dissolved by the Mayor and Council by ordinance through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

2.8.11.5. Districts Established.

- A. NPZ districts are established upon adoption of a rezoning ordinance for a neighborhood. The Design Manual created pursuant to 2.8.11.7 shall be a condition of the NPZ district.
- B. Adopted NPZ districts shall be listed in Development Standard 2-16.0 using the following format: "NPZ-1" – NAME OF DISTRICT – Adopted on XXX, by Ordinance No. XXX.
- C. The list shall be administratively updated, upon adoption of additional NPZ districts through the appropriate procedure.

2.8.11.6. Zoning Maps. To identify each of the NPZ districts on the City of Tucson Zoning Maps, the preface "N" is added to the assigned residential zoning designation, i.e., R-1 becomes NR-1.

2.8.11.7. Design Manual. The Design Manual shall be created upon initiation of the NPZ district. The Department of Urban Planning and Design is the lead city agency for the preparation of each neighborhood specific Design Manual.

- A. The Design Manual shall, at a minimum contain the following:

1. *NPZ District Neighborhood Character:*

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- a. Identification of Contributing Properties within the NPZ District.
 - b. Identification of the defining characteristics of the NPZ district. Such identification may include excerpts or references to those portions of the National Register nomination or eligibility document that summarize the defining characteristics of the district.
 - c. Illustrations and narratives describing a. and b. above.
2. *NPZ District Map.* The Design Manual shall include a map of the boundaries of the NPZ district showing the Contributing Properties and the boundaries of the National Register District or area eligible for a National Register District.
 3. Examples of specific Compatibility Review Criteria listed in 2.8.11.9.C, that illustrate elements of neighborhood character.
 4. *Privacy Mitigation Measures.* The Design Manual shall recommend specific privacy mitigation measures to be considered in a Compatibility Review pursuant to 2.8.11.9.C.5 (Privacy Mitigation).
 5. *Dimensional, Spatial, and Access Standards,* if adopted by Mayor and Council as mandatory pursuant to 2.8.11.7.B.1.b.
- B. The Design Manual may contain the following:
1. *Dimensional, Spatial, and Access Standards,* subject to the following:
 - a. Dimensional, Spatial, and Access standards may differ from the Development Criteria of Article III of the LUC. Such standards may be more or less restrictive than those of the underlying zone. Dimensional, Spatial, and Access standards shall:
 - (i) not create a nuisance or intrude on the privacy of adjoining or surrounding properties;
 - (ii) create a more historically compatible setting, accommodate energy efficiency or, ensure enhanced resource conservation greater than current regulations; and
 - (iii) in the case of alley access standards, specify mitigation measures to ensure safe access.
 - b. The Mayor and Council may adopt dimensional, spatial, and access standards as mandatory requirements upon a finding by the Director of the Department of Urban Planning and Design that proposed requirement complies with 2.8.11.7.B.1.a.
 - c. Dimensional, spatial, and access standards not adopted as mandatory requirements are advisory for purposes of a compatibility review.

2.8.11.8 Design Professional

- A. The Design Professional shall:
1. conduct a compatibility review of all applications for development within the NPZ district to which this section applies. This review is in addition to the Administrative Review Procedure, Sec. 23A- 31, Zoning Compliance Review, and any other required review procedures;
 2. submit a report with findings and recommendations to the Director of the Department of Urban Planning and Design pursuant to the Tucson City Code Sec. 23A-32.1, the NPZ Design Review Procedure;

3. render decisions impartially;
4. not render professional services if the Design Professional's judgment could be affected by responsibilities to another project or person or by the Design Professional's own interests; and
5. comply with City of Tucson Administrative Directive 2.02-14 and Policy 282, Ethics and Conflict of Interest for City Officers and Employees.

2.8.11.9. Compatibility Review of Applications for Proposed Development

- A. In conducting the Compatibility Review, and in rendering his or her findings and recommendations, the Design Professional shall consider the relative impact and intensity of the proposed development. The Design Professional shall evaluate applications for proposed development for compliance with:
 1. Design Manual standards, guidelines, or requirements;
 2. Applicable Development Standards; and,
 3. Compatibility Review Criteria, Sec. 2.8.11.9.C.
- B. The Design Professional shall use the Design Manual to determine the overall Neighborhood Character of the NPZ district and the Compatibility Review Criteria to determine the Neighborhood Character of a specific Development Zone for the proposed development.
 1. Contributing Properties within a project's Development Zone shall be used when identifying the Compatibility Review Criteria.
 2. If the Development Zone for the proposed development does not contain Contributing Properties, then, for purposes of identifying the Contributing Properties that apply to a development proposal, the Development Zone shall be expanded in every direction until the Development Zone includes at least one Contributing Property.
- C. *Compatibility Review Criteria.* The following elements determine compatibility of the proposed development with the Development Zone:
 1. Scale and proportion, including
 - a. height;
 - b. bulk and massing; and
 - c. number of stories.
 2. Architectural style and detail, including
 - a. roof types;
 - b. projections and recessions, such as porches, awnings, overhangs, steps, entrances;
 - c. window sizes and spacing;
 - d. materials; and
 - e. surface texture and colors.

3. Spatial relationships and site utilization, including

- a. spacing between adjacent buildings;
- b. front and rear side setbacks;
- c. open spaces;
- d. attachments such as carports and garages; and
- e. outbuildings.

4. Landscaping

Landscaping will only be reviewed for compatibility when a project proposes a comprehensive change to the streetscape such as the construction of a new residential unit.

5. Privacy Mitigation

- a. Privacy mitigation is required when the following types of development are proposed adjacent to existing single story residences:
 - (i) Construction of a multistory residence;
 - (ii) Addition of a story to an existing residence; or
 - (iii) Additions to existing second or higher stories
 - b. For the purpose of this section, privacy mitigation includes: vegetative or other screening or siting elements, walls, siting of buildings or windows, and eliminating balconies or similar features to reduce views towards the existing dwellings.
- D. Approval of proposed development may be subject to special conditions to provide for compliance with the Compatibility Review Criteria.
- E. The Compatibility Review shall be included in the Design Professional's report to the Director of the Department of Urban Planning and Design.
- F. The Design Professional design review and appeal procedures are set forth in Tucson City Code Sec. 23A-32.1, the NPZ Design Review Procedure.

(Ord. No. 10548, §1, 06/10/08)

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2.8.12 DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)

- 2.8.12.1 Purpose. The primary purpose of the Downtown Area Infill Incentive District (IID) is to encourage redevelopment in the following ways:
- A. Encourage sustainable infill development that supports the creation of urban neighborhoods that are pedestrian and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole.
 - B. Address barriers to infill development in the Downtown Area Infill Incentive District such as incompatible development standards, and associated development barrier issues; and
 - C. Implement the IID purposes by offering development incentives permitting a modification of development regulations (MDR) as provided herein.
- 2.8.12.2 Establishment. The Downtown Infill Incentive District (IID) is an overlay zone as defined in Sec. 6.2.4. The provisions of the IID zone apply to properties within its boundaries.
- 2.8.12.3 Boundaries and Map Established. The boundaries of the IID are illustrated in Sec. 2.8.12.9 (See *Illustrative Map 2.8.12.9-I*). The exact boundaries of the IID overlay are identified on the official zoning maps kept on file in the offices of the Planning and Development Services Department and the City Clerks.
- 2.8.12.4 MDR Applicability. Development regulations may be modified within the IID zone. This process shall be known as the Modification of Development Regulations (MDR). An MDR may not be used in conjunction with waiver or modification provisions provided by other sections in the Land Use Code. Where the IID and RND overlap, applicants may select either the IID MDR or the RND MDR, but not both.

The MDR process applies to the following Land Use Code regulations, development types, land uses, and specific development criteria.

- A. The MDR process applies to the following sections in Article III of the Land Use Code: Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Requirements; Division 4, Off-Street Loading; and, Division 7, Landscaping and Screening Regulations.
- B. An MDR may apply to the following development categories located on property, including public or private rights-of-way, any portion of which is located within the IID zone: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.
- C. *MDR Land Uses*
 - 1. A MDR application is limited to proposals with one or more of the following uses: Administrative and Professional Office; Alcoholic Beverage Service; Civic Assembly; Craftwork; Cultural; Educational Use: Instructional School; Educational Use: Postsecondary Institution; Entertainment; Attached Residential; Multifamily Residential; Food and Beverage Sales; Food Service; General Merchandise Sales; Mixed Use (a combination of the uses listed in this section and residential); Personal Service; and Travelers' Accommodation, Lodging.
 - 2. A use not listed above may be allowed if the Planning and Development Services Department Director deems the use to be in accordance with the purposes of the IID described in Sec. 2.8.12.1.
 - 3. If drive-through service is provided, it may not interfere with pedestrian access to the site from the roadway.

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- D. *MDR Development Criteria.* The regulations listed in Section 2.8.12.4.A may be modified up to twenty-five percent (25%) of the dimension or amount permitted by the underlying zoning with the following exceptions where modifications may exceed this amount:
1. *Building height.* Building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the MDR Conceptual Plan's Development Transition Element requires less.
 2. *Street perimeter yard.* Street perimeter yard requirements may be reduced or waived when the Planning and Development Services Department determines that there is adequate sight visibility, no traffic safety issue created, and no privacy intrusion into existing residential property is created as provided in accordance with the MDR Conceptual Plan's Development Transition Element described in Sec 2.8.12.5.C.
 3. *Parking.*
 - a. Parking may be modified per an agreement with the City's Parking Division, or as follows:
 - i. Sec. 3.3.3.11 (New Uses Replacing Existing Uses);
 - ii. Sec. 3.3.8.6 (Existing Development Sites);
 - iii. Sec. 3.3.8.7 (Individual Parking Plan);
 - iv. Sec. 3.3.6 (Parking Exceptions in the Downtown Redevelopment District) for those portions of the IID within the Downtown Redevelopment District; or,
 - v. *Exception to Secs. 2.8.12.4.D.3.a.i – iii.* Restaurants and bars (Food Service or Alcoholic Beverage Service Uses) may request a parking modification.
 - b. *Accessible Parking and Bicycle Facilities.* The number of accessible parking spaces required by the Americans with Disabilities Act and bicycle facilities shall not be reduced or eliminated and shall be based on the number of motor vehicle parking spaces required prior to any modification.
 4. *Loading.* Off-street loading zone requirements may be reduced or waived if the Planning and Development Services Department determines that no traffic safety issue is created.
 5. *Solid Waste Collection.* On-site refuse collection container requirements governing access, type, and location may be modified if the Department of Environmental Services determines that no public health or traffic safety issue is created.

2.8.12.5 **MDR Conceptual Plan Requirement.** An MDR application must include an MDR Conceptual Plan that contains a Streetscape Element and a Development Transition Element (if adjacent to existing residential uses).

- A. *Streetscape Element.* The MDR Conceptual Plan shall include the following streetscape elements as provided below.
1. *Required Streetscape Elements.* The MDR Conceptual Plan shall contain the following:
 - a. A pedestrian-oriented streetscape using documented best urban design addressing:
 - i. Pedestrian proximity to buildings – locating buildings adjacent or near to sidewalks;
 - ii. Pedestrian amenities – using such techniques as public seating and display areas;

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- iii. Appropriate sidewalk width – using appropriate width for the property that creates effective connectivity to adjoining properties’ pedestrian ways;
 - iv. Shade for pedestrians – using landscaping, colonnaded building, or other shading devices.
 - b. Parking areas shall be located at the rear or the side of the building.
 - c. Buildings shall provide ground floor display windows along street frontages and pedestrian entrances from the street.
 - d. The project should facilitate a cohesive urban context when historically designated buildings are within its Development Zone.
 - e. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located.
- 2. Additional Streetscape Elements Requirement. The MDR Conceptual Plan shall contain at least one of the following features:
 - a. Pedestrian lighting along the sidewalk facing an arterial or collector street. City endorsed streetscape plans, such as those depicted in the Downtown Urban Design Reference Manual, or a nationally recognized best practices book or manual shall be used as a guideline.
 - b. Green wall or green roof design are integrated into the building construction to reduce heat generation from building surfaces that otherwise would raise urban atmospheric temperature due to potential building’s solar heat absorption as approved by the Planning and Development Services Department Director. Green wall and green roof design refers to a wall or roof that is partially or completely covered with vegetation and, in some cases, soil or inorganic growing medium.
 - c. Other design features that are documented in writing as a best practice of transit/pedestrian oriented development.
- B. *Development Transition Element.* When the project is adjacent to existing residential development, a Development Transition Element is required as part of the MDR Conceptual Plan.
 - 1. Portions of the project building closest to existing residential development shall be sensitive to the scale and height of the residential development and shall maximize natural light access, privacy considerations and noise abatement as required.
 - 2. Windows on second or higher stories shall be treated to reduce views into the buildings of adjacent residential property. This feature may be waived where the angle of view from the project’s building into the adjacent residential building is obstructed by screening or the slope of the angle.
 - 3. Balconies shall be oriented away from residential property or positioned so that screening or the slope of the angle obstructs the view angle into the adjacent residential building.
 - 4. Buffers shall be used between any new development and existing residential.
- C. *Utilities.* An MDR Conceptual Plan shall include information on the layout and availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.
- D. *Alternative.* A City approved urban design plan, such as the Downtown Links Plan, within the IID may substitute for an MDR conceptual plan. The Planning and Development Services Department Director

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may request additional information from the applicant where details may be lacking to adequately review the conceptual plan for compliance with Sections 2.8.12.5.A, B, and C.

2.8.12.6 MDR Conceptual Plan Content.

- A. *Requirement.* A MDR Conceptual Plan must be prepared in compliance with Development Standard 2-02.2.0. Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.5.A and B.
- B. *Revisions.* An applicant may request to omit or modify an MDR Conceptual Plan submittal requirement subject to the following:
 - a. The applicant must identify which submittal requirement(s) is requested for omission or modification and provide a rationale for the change.
 - b. The Planning and Development Services Department Director shall determine whether to accept the request. In making a decision, the director shall consider the purpose statements of the Downtown Area Infill Incentive District Plan and applicable General Plan policies. Approval of the request does not represent the department's endorsement or approval of a rezoning request or the project design.

2.8.12.7 Review and Approval Procedures. The Planning and Development Services Department shall administer the review procedures of the MDR conceptual plan process.

- A. *Procedure.* Requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 and 23A-51.
- B. *Findings.* The Planning and Development Services Department Director may grant an MDR only if the Director finds:
 - 1. The MDR Conceptual Plan and requested modifications meet the purpose statements described in Sec. 2.8.12; and
 - 2. The project benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the goals of the Downtown Infill Incentive District Plan; and
 - 3. The MDR Conceptual Plan does not create significant adverse effects on adjacent residential property including excessive noise, glare, odors, vibrations, fumes, traffic hazards directly impacting adjacent property, and other similar public health and safety concerns; and
 - 4. The project building does not significantly impede solar energy options to adjacent properties; and
 - 5. The MDR Conceptual Plan supports a safe streetscape coordinated with adjoining properties; and
 - 6. Considering the scale of the property, the proposal reflects an effective implementation of documented streetscape design best practices; and
 - 7. The MDR Conceptual Plan is reflective of City objectives concerning the use of drought tolerant and native landscaping; and

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8. The development is in a form and scale consistent with urban surroundings; and

9. For an MDR Conceptual Plan that involves a parking reduction, the project will not cause excessive drive through traffic or habitual parking within an adjacent residential neighborhood.

C. An amendment or revision to an approved MDR Conceptual Plan shall be subject to the same procedure as the initial approval.

D. The City may accept a concurrent submittal of the MDR Conceptual Plan and corresponding development plan or subdivision plat.

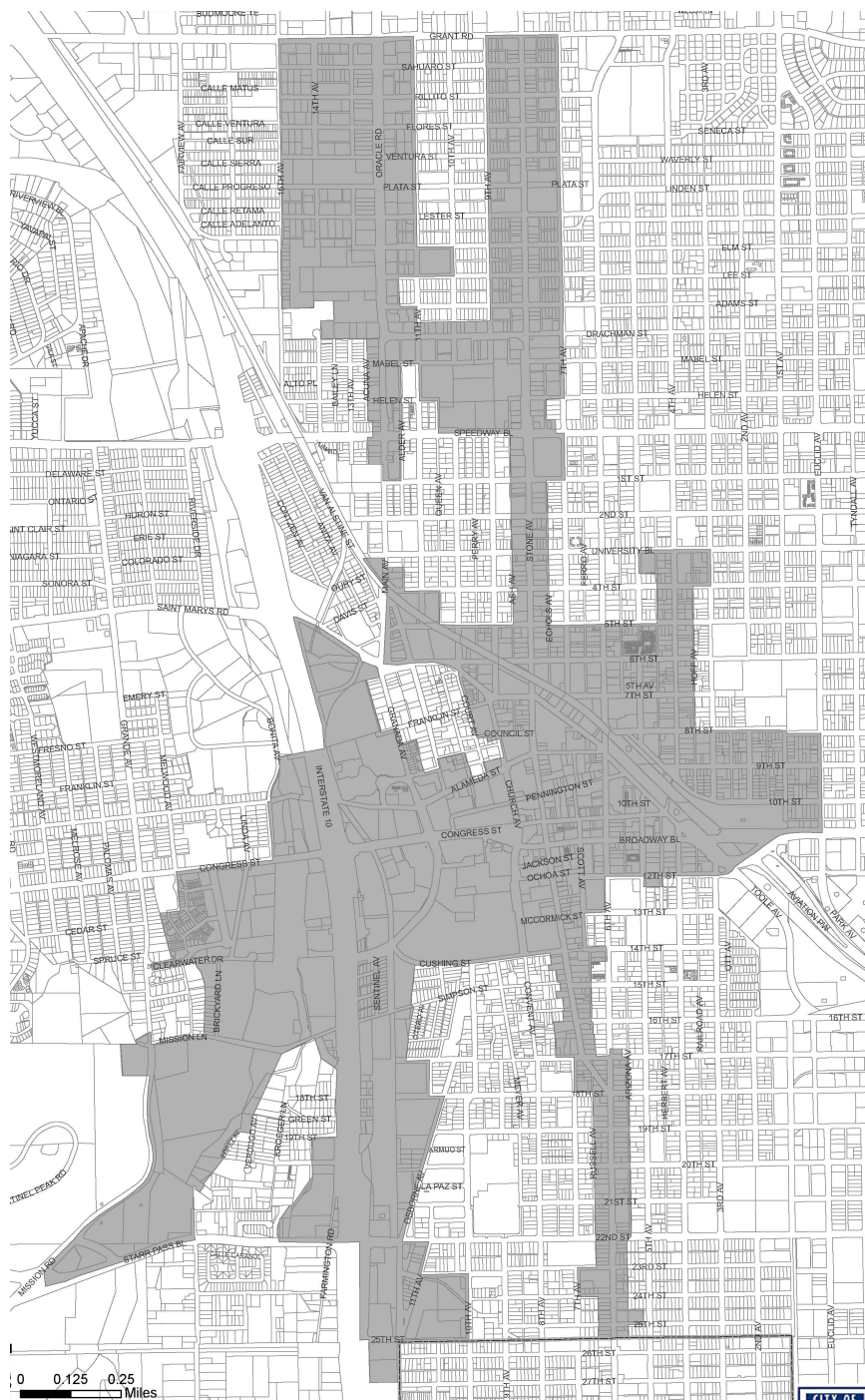
2.8.12.8 IID District Termination. The provisions of LUC § 2.8.12 Downtown Area Infill Incentive District shall end on January 1, 2011, unless Mayor and Council extend the date by separate ordinance.

2.8.12.9 Illustrative Map. (See next page)

(Ord. No. 10710, §1, 9/9/09)

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For exact boundaries, please see the official zoning maps.

Map 2.8.12.9-I Downtown Area Infill Incentive District